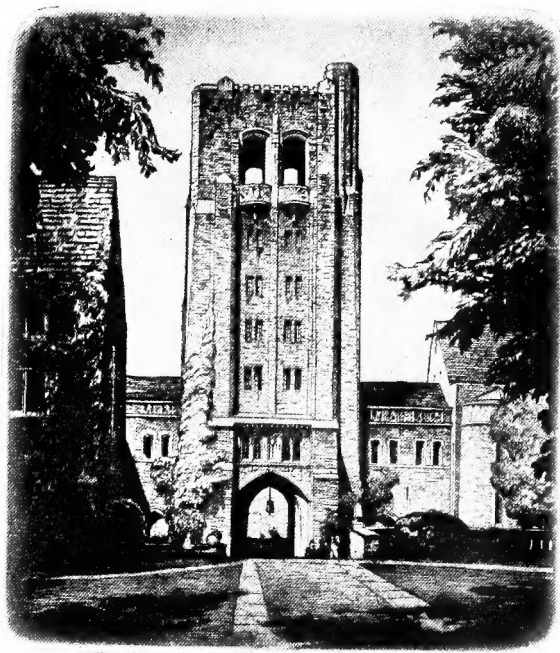




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THE SEAMAN'S CONTRACT

1790 - 1918

A Complete Reprint of the Laws Relating to American Seamen

Enacted, Amended, and Repealed
By the Congress of the United States

As Originally Published in the U.S. Statutes at Large.
Compiled and Arranged for Purposes of Comparison

Including the Present Law

INTRODUCTION

A Summary of the Earlier Sea Laws

APPENDIX

A Review of the Principal Subjects
of Legislation

TABLES

Showing the Chronology of the Laws by Subjects
and Acts of Congress

AND A

COMPLETE INDEX

COMPILED BY

WALTER MACARTHUR

SAN FRANCISCO, CALIF., 1919

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1919

PREFACE

This work is designed as a means of reference to the Navigation Laws regulating the seaman's contract, as originally enacted by Congress and subsequently amended, for purposes of comparing the legislation of different periods.

The scope of the work embraces those laws which deal with the seaman's personal relations to the shipowner and shipmaster, constituting the terms of the contract under which he is employed. It includes the laws on Shipment, Discharge, Protection and Relief, Offenses and Punishments, and all other matters bearing upon the seaman's rights, duties, responsibilities and qualifications.

The earlier Acts of Congress here quoted were compiled and published in the Statutes at Large (Vols. I-XVII). These volumes contained all the laws which had been enacted since the foundation of the Government, 1789-1873. By authority of an Act of Congress, June 27, 1866, a commission was appointed to "revise, simplify, arrange and consolidate all statutes of the United States, general and permanent in their nature." The Revised Statutes were enacted by Congress, June 22, 1874, "embracing the Statutes of the United States, general and permanent in their nature, in force on the first day of December, 1873." The second edition of the Revised Statutes was published in 1878. This edition contained the Statutes as they existed on December 1, 1873, with the addition of all amendments and corrections which had been enacted by Congress between that date and March 3, 1877.

In order to avoid useless repetition the Revised Statutes (2nd Edition, 1878) have been adopted as the source of quotation. Few changes were made in the Navigation Laws between the date of original enactment and the date of publication in the second edition of the Revised Statutes, so that the form in which they are here reprinted is in almost all instances identical with that of the original publication. The date of original enactment, and of the amendments, if any, with a reference to the volume and page of the Statutes at Large containing the original publication, accompanies each section. The laws which were first enacted subsequent to the date of the Revised Statutes (Dec. 1, 1873) are reprinted from the Statutes at Large, issued after the close of each Congress, with date of enactment and reference to volume and page. The laws are reproduced *verbatim et literatim*.

The arrangement is primarily by subjects—"Naturalization of Seamen," "Licensed Officers," etc.—and thereafter in chronological order. Thus the entire body of legislation on each subject is

brought together on successive pages. The subjects themselves are arranged as nearly as possible in the order of their correlation. By this arrangement all legislation on related subjects is brought immediately before the reader. In each instance the law as it exists at the present time is marked by an asterisk (*) accompanying the number of the section or date of the Act at present in force. Obsolete laws have been omitted, but a summary of such legislation is included in the Appendix.

The difficulty of determining the actual significance of a given enactment, except by comparison with all preceding enactments on the same subject, is acknowledged by all authorities. This circumstance arises from the manner in which the various laws have been passed. With few exceptions all recent legislation has taken the form of amendments to existing law. For example, the Act of March 4, 1915, commonly called the Seamen's Act, contains twenty sections, all but seven of which are amendments to previously existing law. Many of the provisions thus amended were originally enacted in the earlier period of the Nation's history. One feature, in particular, i. e., that governing the payment of part wages in ports during the voyage, was originally enacted in 1790 and amended in 1898. This feature of the modern law has been widely regarded as an innovation, yet it is in reality merely an amendment intended to make effective a provision of law that has been on the statutes for nearly a hundred and thirty years.

Several of the principal Acts of Congress passed within recent years have each embodied numerous amendments to as many different statutes of different periods. Other enactments, in themselves brief, have changed the incidence of many sections of the law, in respect to their applicability to seamen in particular trades, thereby creating a wide difference of opinion as to the exact status of the seamen employed in the respective trades. An example in point is contained in the Act of June 9, 1874, which declared that none of the provisions of the Act of June 7, 1872 (Shipping Commissioner's Act), should apply to seamen in the coastwise trade. The first-mentioned of these Acts contained little more than one hundred words, yet in effect it repealed practically the whole law so far as the coastwise trade is concerned. Subsequent enactments have in large part remedied this condition, but a question still remains as to the applicability of certain features of the law in the latter trade, thus giving rise to disagreement among even the most

rendered by the admiralty courts bear evidence of the great labor involved in the process of making such comparison.

The sections of the Revised Statutes here reproduced number two hundred and eleven, which were originally contained in forty-three Acts of Congress, enacted during the period 1790-1873. The amending and original acts passed between 1874 and 1918 number fifty-seven. The total number of enactments reproduced is three hundred and eighteen. The compilation of these enactments has necessitated a reference to thirty-six volumes of the Statutes at Large, in which they were originally published.

The present work is, in effect, a reproduction of the Revised Statutes and the Statutes at Large, to the extent embraced by its title. It is presented in the belief, based upon long experience, that it will prove useful to those concerned with the Navigation Laws, by obviating the great labor involved in referring to the original sources of authority, at the same time affording assurance that in the construction and administration of the law of to-day due cognizance shall be taken of all antecedent legislation.

No attempt has been made to present the maritime law nor to traverse any of the ground already covered by other works now in common use and easily available. The contents are limited exclusively to a reproduction of the statute law, with the sole object of facilitating the study and comparison of the respective enactments upon each subject and affording in simple and inviting form a survey of the whole field.

Owing to the decline of the American merchant marine in the foreign-going trade during the past fifty years, and the consequent absence of practical interest in the laws relating to seamen, all incentive to the study of the subject has lapsed. By common consent all claim to authoritative voice on the subject has been relinquished in favor of a comparatively few persons, who in the course of long experience in a professional capacity, as members of Congress, admiralty judges, and maritime counsellors, have gained recognition as specialists and experts in this branch of jurisprudence. This condition was natural to the state of American shipping in the recent past, and possibly served well enough in the circumstances. But it is obvious that such a state of things can not suffice for the needs of the present and future.

The revival and expansion of our maritime interests has created a demand for more general knowledge of the law in its various branches, and especially in that branch which treats of the *personnel* of the merchant marine. The demand is not only for an increase of the numbers practicing the law, but also for a wider comprehen-

sion of the law itself, in order that its principles may be intelligently applied to modern conditions. This volume, it is believed, supplies an aid to this end by bringing together the whole body of the law relating to seamen, as enacted by Congress since the beginning of the Government, arranged in such manner as to unite under the respective heads the successive enactments on each subject. It is published in the hope that it may contribute in some degree to that comprehensive knowledge of the subject that is essential to the perpetuation of those principles of the law upon which the successful conduct of maritime affairs so intimately depends.

The Introduction is intended to present an outline of the origin and development of the Navigation Laws, prepared with the object of extending the reader's horizon and bringing within his ken those antecedents of the modern law not ordinarily available to the student but which are necessary to a true understanding of the subject. The excerpts from the Laws of Oleron, and accompanying Observations, are reprinted from Peters' "Admiralty Decisions (Phila., 1807)," to which authority the compiler is indebted for valuable assistance in preparing that part of the present work. The "Review of the Principal Subjects of Legislation," printed in the Appendix, will serve as a guide to the existing law, by enabling the reader more readily to trace and determine the meaning of the changes made by each successive enactment.

Table I presents the chronology of the laws by subjects, thus enabling the reader to trace the progress of legislation on each subject from the date of original enactment, through the respective amendments, repeals, and re-enactments, to the present time.

Table II presents the Acts of Congress in the order of their enactment, with the corresponding section numbers of the Revised Statutes. A reference to this table will facilitate the object of tracing the respective features of each Act through all stages of subsequent enactment.

WALTER MACARTHUR.

San Francisco, Calif., October, 1919.

CONTENTS

PREFACE ..	iii-vi
INTRODUCTION. THE EARLIER SEA LAWS.....	ix-xxiii

PART ONE.

Naturalization of Seamen.....	5
Licensed Officers.....	7
Manning Scale	32
Shipping Commissioner	35
Shipping Articles	42
Advance and Allotment.....	58
Forecastles	64
Scale of Provisions—Survey of Food.....	68
Survey of Vessel.....	74

PART TWO.

Discharge and Payment of Wages.....	81
Duties of Consuls.....	92
Discharge in Foreign Port.....	95
Distressed Seamen	100
Deceased Seamen	102
Offenses and Punishments.....	108
Crimes	121

PART THREE.

Accidents to Tow-barges.....	144
Apprentices	144
Fishermen's Agreement	145
Harboring Deserters, Soliciting Lodgers, etc.....	147
Illtreatment of Seamen.....	148
Liability of Owner.....	150
Liability of Charterer.....	151
Lien and Salvage.....	152
Marine Hospitals	153
Removal of Master.....	157
Medicines, Lime-juice, Slop-chest, Warm Room.....	157
Exemption from Militia Duty.....	159
Official Log-Book.....	160
Officers not Fellow-Servants.....	162

Seamen's Act	163
Shanghaiing	164
Radio Communication	166
Watch-and-Watch, Holidays, Workday.....	168
Witnesses' Fees and Transportation.....	169

TABLES.

Table I—SUBJECTS. Chronology of the Laws, With References to Dates of Enactment, Amendment, and Repeal, as Published in the Statutes at Large and Revised Statutes, 1790-1918.....	171
Table II—ACTS OF CONGRESS AND REVISED STATUTES. Dates of Acts of Congress, Section Numbers as Re-enacted in Re- vised Statutes, and Dates of Subsequent Acts, 1790-1918.....	190

APPENDIX.

A Review of the Principal Subjects of Legislation, 1790-1918.....	203
INDEX	225

INTRODUCTION

THE EARLIER SEA LAWS.

THE PRINCIPLES OF THE SEAMAN'S CONTRACT, AS CONTAINED IN THE
ANCIENT MARITIME CODES, WITH REFERENCES TO ANALOGOUS
FEATURES OF THE MODERN NAVIGATION LAWS.

The origin of the laws governing seamen may be traced to the earliest period of history. These laws developed with the growth of commerce among the ancient peoples and were adopted by each successive maritime power in form modified in accordance with the conditions generally prevailing in each nation, but preserving in substance and principle those features which had been found necessary to the successful conduct of maritime enterprise.

The oldest sea laws are contained in the code of Hammurabi, a Babylonian ruler, whose reign is variously dated between 2400 and 2000 B. C. Recent discoveries identify this monarch with Amraphel, who is mentioned in Genesis 14:I, as King of Shinar. It would seem that his rule extended over the territory that lies between the Persian Gulf and the Mediterranean Sea. Hammurabi's code throws much light upon Babylonian social grades, industries, religion, law, and family life, and has been described as "the oldest code of laws in the world."

In those parts of the code which relate to seamen it is required that the shipbuilder shall make the vessel tight, and if a leak occurs on the first voyage he shall make repairs at his own expense. If a vessel be lost by carelessness on the part of the seaman, the latter shall compensate the owner for the loss thus occasioned. Other provisions set forth the rates of wages of seamen and of payment for the hire of vessels and also define the liability of shipmasters in cases of collision. These regulations, dating from the earliest period of recorded history, contain the germs of all the maritime laws subsequently enacted in the countries bordering the Mediterranean, and from thence handed down to the maritime peoples of the West and North.

The older authorities are agreed as to the great antiquity of the maritime laws, but there agreement ends. The claims of precedence made on behalf of one or other of the ancient codes are positively asserted by some writers and as positively denied by others. This dispute arose naturally and inevitably from the fact that these laws have not been transmitted to us directly, but by "discovery," after the lapse of centuries. Even the place and date of discovery, the name of the discoverer, and other particulars have long remained in doubt.

For instance, the Rhodian law is commonly supposed to antedate the birth of Christ by about nine hundred years. Yet the question whether the fragments of that ancient law were discovered in France or in Germany, and whether first printed at Basle in 1561, or at Frankfort in 1596, remains undecided. Similarly, the question as to the authenticity of the fragments of the Rhodian law found in the Pandects or Digest of Justinian—whether these are in reality translations from the original Greek, or merely so much “trash” fabricated by more modern Greeks—and whether the Pandects themselves were discovered at Amalfi or at Pisa, are still subjects of contention. Says an American authority, Judge Peters, in his work, “Admiralty Decisions” (Philadelphia, 1807):

“This controversy has divided the learned for a long period, and must be left with those who delight in such investigations. It does not appear less probable that the Rhodian laws, either entire or digested, and published under one of the Greek emperors in their original language, were in existence in 876, in the time of the Emperor Basilicus, than that the Pandects should be found at Amalfi in 1135 or 1137. The Greek copy may have been preserved in Germany, and there discovered, as many such ancient manuscripts have been, in that district of the empire.

“Whether the laws, in the very words in which they were originally promulgated, or only a summary of, or commentary on them, ‘are inserted in the Pandects or Digest,’ is immaterial, if their general principles and distinguishing features are handed down to us. We have indisputable maritime laws, competent to guide and govern us, if what we have heretofore deemed the Rhodian laws should be rejected as apocryphal. The principles of the venerable Rhodian code are indubitably transfused into systems yet extant and in high estimation. These principles have survived the ravages of barbarism and the vicissitudes of fortune, which have reduced to imbecility and obscurity the once powerful and celebrated people with whom they originated. Time, which has exterminated every monument of their wealth and splendor, has perpetuated these more durable memorials of their policy, wisdom and justice, by disseminating them through distant regions, and extending their inestimable advantages to remote generations and races of men.”

With the resumption of commerce in the Middle Ages the old maritime laws were revived in the *Consolato del Mare*, which are characterized by Judge Peters as “the most ancient, celebrated, and authentic sea laws, after those of the Rhodians, Greeks, and Romans.” This code was promulgated by the citizens of Barcelona, probably in the earlier part of the thirteenth century. It was a compilation of the best maritime laws then existing, and constituted the binding force within the Mediterranean Sea, and indeed throughout maritime Europe.

The Laws of Oleron were chiefly borrowed from the *Consolato del Mare*, of the same period, and promulgated by Eleanor of Guienne for the government of her continental dominions. Afterward they were improved successively by Richard I (the Lionhearted), who introduced the code into England; by King John, by Henry III, and received their ultimate confirmation during the reign of Edward III.

The laws of Wisby were principally compiled from those of Oleron. Upon this point it has been remarked that “the Germans,

Swedes, Danes, Flemings, and all the people of the North observe them, but none have been so curious as to preserve the date and remembrance of the time when they were composed and published." Some writers have contended that the laws of Wisby are older than those of Oleron, or even the Consolato. Other authorities dispute this claim and deny their having been promulgated prior to 1266.

The laws of the Hanseatic League may be dated from the establishment of that confederation, in 1241, but it seems certain that they were not formulated into a system of universal application until 1591, and revised in 1614.

As to those features directly concerning seamen, the laws of Wisby and the Hanseatic League were almost identical with the Laws of Oleron. Whatever the exact period of their enactment, these laws constituted the authority under which commerce was carried on in North Europe. "The naval law of Rhodes, as the law of nations in the Mediterranean Sea, was in force, as in Gaul the laws of Oleron, as also among all Scandinavians the laws of Wisby."

The Marine Ordinances of Louis XIV were compiled by Colbert and published in 1681. This code was a reproduction of those features of the maritime code of Europe which had been acknowledged as authority by all, with the addition of other regulations which were considered as peculiarly necessary for the trade of France. Referring to these laws, Chief Justice Tilghman (Supreme Court of Pennsylvania, 1807), said:

"They and the commentaries on them have been received with great respect in the courts both of England and the United States, not as conveying any authority in themselves, but as evidence of the general marine law. When they are contradicted by judicial decisions in our own country they are not to be regarded; but on points which have not been decided, they are worthy of great consideration."

For the purposes of the present work the Laws of Oleron have been selected, as constituting the best example of the earlier sea laws. That code, in itself a development of the more ancient systems, forms the ground work of the laws subsequently enacted by the leading maritime nations of the world. As above stated, the laws of Wisby and the Hanseatic League, and the Ordinances of Louis XIV were compiled chiefly from those of Oleron. Originally a combination of the French and English laws, the Laws of Oleron were peculiarly adapted to the needs of British commerce and hence were incorporated in the Black Book of the British admiralty and consulted by all the courts of that country on subjects of maritime and commercial controversy. The admiralty courts of the United States frequently refer to the same authority upon questions involving the principles of the maritime law and the constitutionality of the statutes. In explanation of this practice Judge Peters says:

"There is a striking similarity in the leading principles of all these

laws. So far from sound principles becoming obsolete, or injured by time, it will be found, on careful investigation, that the oldest sea laws we know, those of the Rhodians, have furnished the outline and leading character of the whole. With such examples before us, we need not hesitate to be guided by the rules and principles established in the maritime laws of other countries. As the sea is common, it is proper and essentially convenient that its laws should be also common to all who travel this 'high road of nations'."

LAWS OF OLERON.

DEPARTURE OF VESSEL.

Art. II. If a ship or other vessel be in a port, waiting for weather, and a wind to depart, the master ought when that time comes, before his departure to consult his company, and say to them: "Gentlemen, what think you of this wind?" If any of them see that it is not settled, and advise him to stay until it is, and others, on the contrary, would have him make use of it as fair, he ought to follow the advice of the major part. If he does otherwise, and the vessel happens to miscarry, he shall be obliged to make good the same, according to the value upon a just appraisement.

Observation.

It is a maxim, or general sea law, that a master of a ship shall never sail out of a port, never weigh or drop anchor, cut masts or cable, or indeed do anything of consequence, let him be in whatever danger may happen, without the advice of the major part of his company, and the merchants, if there be any aboard. He must call all together to consult. (Compare Acts, July 20, 1790, July 20, 1840, and July 29, 1850, pp. 74, 77.)

WAGES IN CASE OF SHIPWRECK.

Art. III. If any vessel, through misfortune, happens to be cast away, in whatsoever place it be, the mariners shall be obliged to use their best endeavors for saving as much of the ship and lading as possibly they can; and if they preserve part thereof, the master shall allow them a reasonable consideration to carry them home to their own country. And in case they save enough to enable the master to do this, he may lawfully pledge to some honest persons such part thereof as may be sufficient for that occasion. But if they have not endeavored to save as aforesaid, then the master shall not be bound to provide for them in anything, but ought to keep them in safe custody, until he knows the pleasure of the owners, in which he may act as becomes a prudent master; for if he does otherwise he shall be obliged to make satisfaction.

Observation.

The ship's crew are obliged to do all that lies in their power to save things from shipwreck, and gather up what they save, on pain of losing their wages; and those that hinder or dissuade them from it, shall be severely punished. This law is very well explained by an ordinance of King Philip II, of Spain, in the year 1563, by which it is ordained, that the seamen shall be bound to save as much as they can from shipwreck; and in such case, the master is bound to pay them their wages, and to give them a further reward for their labor out of the goods. But if the seamen refuse to do their endeavor to save the goods, they shall neither have pay nor reward. (Compare Act, June 7, 1872, Secs. 32-33, p. 81.)

DISCHARGE AND PAYMENT OF WAGES.

Art. XVIII. When a vessel is unladen, and the mariners demand their freight, some of them having neither bed, chest, nor trunk aboard, the master may lawfully retain part of their wages, till they have brought back the ship to the port from whence she came; unless they give good security to serve out the whole voyage.

Observation.

The 31st article of the ordinances of Wisbuy agrees exactly with this. The seamen's wages are not regularly due till after their work is

entirely done, or the time they hired themselves for expired; except there are any private agreements to the contrary. The 28th article of the Hanseatic law ordains that their wages should be paid at three several payments; one third when they set sail upon a voyage, one third when they arrive at their port of discharge, and the other third when the ship is returned home. (Compare Act, July 20, 1790, Sec. 6, pp. 82, 84, 86.)

However, a mariner may demand, and ought to have his discharge, either before or during the voyage, for these four reasons: In case he is made master or mate of another ship; if he marries, and then he is obliged to refund what he has received; if he made any provision in his bargain for quitting the ship; if the voyage is finished, the ship disarmed, unloaded and light, the sails, tackle and furniture taken away and secured. (Compare Acts, August 18, 1856, February 28, 1803, and July 20, 1840, pp. 95, 98, 99.)

If the master gives a mariner his discharge, without any lawful cause, and for his pleasure only; in case he does it before the voyage and while the ship is in port, he ought to pay half as much as he was to give him for the whole voyage; but if he discharges him after the ship is sailed, he ought to pay him all his wages.

By the Hanseatic law, the master is to pay a third of the wages only, and not to bring it to his owner's account. He is obliged also to pay him not only all his wages, if he discharges him in his voyage, but to defray the charges of his return. If after a bargain is made between the master and mariner, if the voyage happens to be hindered by war or pirates, or any other lawful account, the mariner, according to King Philip's laws, Art. 9, shall have a quarter part of the wages that were promised him for the voyage; and the master by a French law shall have half the freight. (Compare Act, June 7, 1872, Sec. 21, p. 82.)

A master may turn off a mariner if he finds he is ignorant in maritime affairs, and incapable to perform the voyage, particularly a pilot, to whom in such cases he is not bound to pay any wages, and at his return may have him punished for his rashness, according to King Philip's and the Hanseatic laws. If it happens that the master finds out the pilot or mariner's ignorance when he can not discharge them, they shall be obliged at their return to refund all the money he had advanced to them, and pay the master besides half what he had promised them; but if the pilot declares first he is dubious, and cannot depend on his knowledge, that he is out of the way, and does not very well understand his business; if it is when he is outward bound, he shall be paid half what was promised him; if homeward bound, all. (Compare Act, June 7, 1872, Sec. 65, p. 53.)

If the master finds that any officer or seaman aboard his ship has any infectious distemper that is dangerous, he may put him ashore at the first place he comes to, without paying him anything; but then he must prove it by two or three witnesses. He may also turn away any thieving mariner, or any quarrelsome or factious fellow; but as to the latter, he should have a little patience, to see if he can be brought to reason. Vide the Hanseatics, Art. 29, and the laws of Wisbuy, Art. 25.

OBLIGATIONS OF MARINERS.

Art. V. If a vessel departing from one port, laden or empty, arrives at another, the mariners shall not leave the ship without the master's consent; if they do, and by that means she happens to be lost or damaged, they shall be answerable for the damage; but if the vessel be moored, and lying at anchor, with a sufficient number of men aboard to keep the decks and lading, they may go without the master's consent, if they come back in good time; otherwise they shall be liable to make satisfaction, if they have wherewithal.

Observation.

This article relating to seamen, it will not be unacceptable to the reader to observe what other customs and ordinances we have met with concerning them.

Mariners are obliged to look carefully after everything that relates

to the preservation of the ship and goods, Consolato, Chap. 169, Wisbuy, Art. 47. For which reason, they ought not to go ashore and leave the vessel, without the master or mate's permission: if they do, they are bound to answer all the damages that happen to the ship or merchandise in their absence, Wisbuy, Art. 17. The Emperor Charles V's ordinance in the year 1552, Art. 9 and 10, conformable to the Rhodian law, *secundo tomo juris Graeco-Romani*, num. 20.

The regulations of the Hanse Towns, Art. 40, ordain, That if any seaman goes ashore without license, and if in his absence the ship happens to be lost for want of hands, the seaman thus absent shall be apprehended, and kept a year in prison on bread and water; and if anyone should be killed or drowned in his absence, and that be the cause of it, he shall be corporally punished. The same ordinances condemn those mariners that lie out of their ship all night, to pay all the damage that shall happen while they are absent. Those of the Hanse Towns, articles 22 and 23, add imprisonment. Some laws forbid them to undress themselves, and the Hanse Towns, Art. 32, to lie with their wives aboard. The reason is, that they may always be ready to assist their fellows in the discharge of their duty in the preservation of the ship and goods. (Compare Act, June 7, 1872, Sec. 51, p. 110.)

The obligation of the mariner to the master begins as soon as he is hired and terms are agreed; and ends when the voyage is finished, and they are returned. The obligation of the mariner to the merchant is from the beginning of his charge, and the mariner is obliged to stow and unstow the goods, according as the place they are in is commodious or not, to keep them from damnifying and promote or hinder the ship's trimming; and if by their refusing to do so, the merchandise is damaged or spoilt, they are bound to make the damage good, Wisbuy, Art. 48; Philip II, Art. 19. By the laws of Wisbuy, they are also bound to unlade some goods with the shovel, and some to hand ashore; for which they are to have no extraordinary allowance; but for letting things up or down, they are by the same laws to be allowed something extraordinary, that is above their wages. (Compare Act, June 7, 1872, Sec. 65, p. 53.)

The laws are very severe against those seamen that run away from ships after they are hired. In men of war, desertion is punished with death; in merchantmen, by the Hanseatic laws, or those of the Hanse Towns, they are to be marked in the face with a red hot iron, that they may be known, and be infamous as long as they live. If the mariner runs away before the voyage, when he is taken, he ought to refund half as much as the master was to have paid him for the whole voyage. If he hires himself to two masters, the first may demand him, and by the Hanseatic law, Art. I, he is not bound to pay him any wages. (Compare Acts, July 20, 1790, Sec. 7, July 20, 1840, Sec. 17, and June 7, 1872, Sec. 56, pp. 115-116.)

Provision is made for such seamen as run away, only because the master has used them ill. By the same laws, if any master entices away a mariner hired before by another, the last master shall forfeit to the first 25 livres, and the mariner, half the wages he was to have had of the master that so enticed him. That master who knowingly hires a mariner who was hired before, shall pay double the wages he was to pay the mariner and the latter be bound to follow and serve the first master. (Compare Act, Dec. 21, 1898, Sec. 18, p. 100.)

OFFENSES AND PUNISHMENTS.

Art. VI. If any of the mariners hired by the master of any vessel, go out of the ship without his leave, and get themselves drunk, and thereby there happens contempt to their master, debates, or fighting and quarreling amongst themselves, whereby some happen to be wounded: in this case the master shall not be obliged to get them cured, or in anything to provide for them, but may turn them and their accomplices out of the ship; and if they make words of it, they are bound to pay the master besides; but if by the master's orders and commands any of the ship's company be in the service of the ship, and thereby happen to be

wounded or otherwise hurt, in that case they shall be cured and provided for at the costs and charges of the said ship.

Observation.

By the laws of Wisbuy, Art. 18, those mariners that are mutinous and quarrelsome, are obliged to refund all they have received, and pay besides what the master is forced to give to others whom he hires in their places above the wages he was to give them.

The laws of Charles V, Art. 23, and seq., ordain certain punishments, according to the heinousness of the offenses and crimes committed by seamen. If the mariners are wounded, or anywise hurt in serving the master of the ship, they shall be cured, taken care of, and indemnified at the charge of the ship, Wisbuy, Art. 18; Hanseatic, Art. 39; Charles V, Arts. 27 and 28; Philip II, Art. 16. If mariners are taken by corsairs in his, and his ship's service, the master is bound to redeem them, and besides that, to pay them their wages, during their captivity, as much as if they had all that time been in his service. This law is in the Consolato, Chap. 182. If in defending himself, or fighting against an enemy or corsairs, a mariner is maimed, or disabled to serve on board a ship for the rest of his life, besides the charge of his cure, he shall be maintained as long as he lives at the cost of the ship and cargo. Vide the Hanseatic law, Art. 35. (Compare Act, June 7, 1872, Secs. 51-54, pp. 110-118. Also the Brig "Hope," 1 Peters' Ad. Rep. 138, and "Osceola" case, U. S. Supreme Court (1903), Rep. 187-190.)

Art. XII. A master, having hired his mariners, ought to keep the peace betwixt them, and to be as their judge at sea; so that if there be any of them that gives another the lie, whilst they have wine and bread on the table, he ought to pay four deniers; and if the master himself give any the lie, he ought to pay eight deniers; and if any of the mariners impudently contradict the master, he also ought to pay eight deniers; and if the master strike any of the mariners, he ought to bear with the first stroke, be it with the fist or open hand; but if the master strikes him more than one blow, the mariner may defend himself; but if the said mariner doth first assault the master, he ought to pay five sols, or lose his hand.

Observation.

This law restrains the correction of the master to one blow with his fist, which the mariner ought to bear, and no more. The Consolato, Chap. 16, explains how far the mariner is bound to suffer his master's assaulting him, in these terms: "The mariner is obliged to obey his master, though he should call him ill names, and is enraged against him, he ought to keep out of his sight, or hide himself in the prow of the ship; if the master follows him, he ought to fly to some other place from him; and if he still follows him, then the mariner may stand upon his defence, demanding witnesses how he was pursued by the master; for the master ought not to pass into the prow after him."

The 24th article of the laws of Wisbuy punished the giving the lie. The same article is very severe against the mariner that strikes the master. The mariner that strikes, or lifts up arms against his master, was to lose half his hand in a very painful way. If the mariner has committed a crime too great for the master's authority to punish then the master and his officers ought to seize the criminal, put him in irons, and bring him to justice at his return. (Compare Acts, April 30, 1790, Sec. 8, March 3, 1835, Sec. 3, and Sept. 28, 1850, Sec. 1, pp. 134, 148, 149.)

Art. XIII. If a difference happens between the master of a ship and one of his mariners, the master ought to deny him his mess thrice, ere he turn him out of the ship, or discharge him thereof: but if the said mariner offer, in the presence of the rest of the mariners, to make the master satisfaction, and the master be resolved to accept of no satisfaction from him, but to put him out of the ship; in such case the said mar-

iner may follow the said vessel to her port of discharge, and ought to have as good hire or wages, as if he had come in the ship, or as if he had made satisfaction for his fault in the sight and presence of the ship's company; and if the master take not another mariner into the ship in his stead, as able as the other, and the ship or lading happens thereby to be, through any misfortune, damaged, the master shall be obliged to make good the same, if he hath wherewithal.

Observation.

To deny him his mess, is, in the original, *oter la touaille*, an old Gascon phrase, which signifies to deny him the table-cloth or victuals for three meals; by which is understood a day and a half. The Wisbuy law, Art. 25, provides for the master's making satisfaction for the damages that may happen through the want of the mariner he turns off. And the laws of the Hanse Towns, Article 27, require the master not to give the seamen any cause to mutiny; not to provoke them, call them names, wrong them, nor keep anything from them that is theirs; but to use them well, and pay them honestly what is their due. Some French laws ordain, that no mariner should be admitted under 18 years, nor above 50. The choice of the crew is entirely in the master; the reason is, that he ought to be himself very well assured of his seamen's ability, and not take it upon trust by report of others. (Compare Act, Dec. 21, 1898, Sec. 19, p. 111.)

MAINTENANCE AND WAGES DURING SICKNESS.

Art. VII. If it happens that sickness seizes on any one of the mariners, while in the service of the ship, the master ought to set him ashore, to provide lodging and candlelight for him, and also to spare him one of the ship-boys, or hire a woman to attend him, and likewise to afford him such diet as is usual in the ship, so much as he had on shipboard in his health, and nothing more, unless it please the master to allow it him; and if he will have better diet, the master shall not be bound to provide it for him, unless it be at the mariner's own cost and charges; and if the vessel be ready for her departure, she ought not to stay for the said sick party—but if he recover, he ought to have his full wages, deducting only such charges as the master has been at for him. And if he dies his wife or next of kin shall have it.

Observation.

The 19th article of the laws of Wisbuy, the 45th of the Hanseatic law, the 27th of Charles V, and the 16th of Philip II, which he compiled for the Low Countries, were all founded upon this law of Oleron, in what relates to a sick mariner, and agree exactly with it, both if he recovers his health, or dies in the voyage. The Spaniards have another custom in the West India voyages; for in case a mariner falls sick, he must substitute another in his place, otherwise he loses all his wages for the time in which he could not work. By the Hanseatic law, Art. 45, if a mariner is detained ashore by sickness, the voyage ought not to be retarded on his account. By Charles V's ordinances, if the mariner dies as he is outward bound, his wife and heirs shall receive half his pay; if as he is homeward bound, they shall have all, deducting the charge of his funeral, if there has been any. In ships of war the custom in some places has been more favorable to sailors; for we find in a treatise written by Francis Pyrard de Laval, entitled, "*Advis pour aller aux Indes Orientales*," that if a man died the first day of the voyage, his heirs were to be paid as much as if he had completed it. (Compare "*Osceola*" case, U. S. Supreme Court (1903) Rep. 187-190.)

SCALE OF PROVISIONS.

Art. XVII. The mariners of Brittany ought to have but one meal a day from the kitchen, because they have beverage going and coming. But those of Normandy are to have two meals a day, because they have

only water at the ship's allowance; and when the ship arrives in a wine country, there the master shall procure them wine to drink.

Observation.

The custom of giving every man a certain allowance is very ancient, and to prevent jealousies, complaints and disorders, that allowance is settled at so much a head, and exactly delivered out to all alike. As to the allowance of wine and meals by this article, the 29th of the ordinances of Wisbuy agrees with it. In those voyages where wine is to be had, the master is bound to provide it for the mariners, and then they shall have but one meal a day. But when they drink water only, they shall have two meals. Charles V, and Philip II's laws ordain, that the master shall order the mariners to have three certain meals a day, and if they would have more meat, they shall only have what was last at their meals, unless upon extraordinary occasions.

By the 52nd article of the Hanseatic laws, the master of German ships bound for France and Spain, are not to provide victuals for their mariners when they are outward bound; but when they are homeward bound, if the ship is let out to freight and loaden, the masters are obliged to maintain their mariners; if they return light or empty, they are not obliged. The Portuguese in their East India voyages, maintain both mariners and soldiers outward bound, and allow each a pound and a half of biscuit, 3 pints of wine, and 3 pints of water a day, and 31 pounds of salt fish a month, some dry fish, garlic and onions. But in their homeward bound voyages, they have only biscuits and water to the Cape of Good Hope, and after that they live every man on his own provision.

* Facilis decensus ad Indos:
Sed revocare gradum, veteremque ad Orbem,
Hoc Opus, hic Labor est . . .

In cases of necessity, when provisions fall short, those that have victuals aboard ought to communicate to those that have not, by the Rhodian law. (Compare Act, July 20, 1790, Sec. 9, p. 68.)

A comparison between these ancient laws and the Navigation Laws of the present day shows a very close resemblance. The difference between the ancient and modern statutes consists more in the language in which they are expressed than in their actual meaning. The methods adopted for the enforcement of the laws have been changed, forms of procedure have been modified, the obligations both of the seaman and of those in authority over him have become less onerous, and the penalties of the law have been reduced. But these changes have had their motive in the changing conditions of society itself, in the advancement of those arts that enter into the business of navigation, and in the refinements that have taken place in the relations of mankind. In all that concerns the natural conditions of maritime commerce—that is to say, those conditions which are natural to and inseparable from the conduct of enterprise on the seas—the laws of to-day are in principle identical with those of the earliest period.

By reference to the modern laws cited in parentheses the reader may judge for himself how far the comparison holds good. Points of difference as well as of similarity will be at once noted, but even

* "Easy descent to India, but to turn steps backward and to the Old World, this task is labor."

as to these it will be found that the difference is more apparent than real. Freight is no longer the mother of wages, but wages may still be withheld in part until the end of the voyage. Similarly, while seamen who desert in American ports can no longer be imprisoned and forcibly returned to their vessels, their earnings are still subject to forfeiture, and thus in a manner they are still bound to the vessel. Other points of difference may be noted, and in most instances may be resolved in conformity with the original principles by reference to the changes that have taken place in practical conditions.

It remains to be noted that as to several important features of the old laws our statutes are silent. Conspicuous among these features is the law concerning the wages and treatment of seamen who fall sick or die during the voyage. The Navigation Laws of the United States contain no provision on this subject. Nevertheless, on this point, as on other features of the earlier sea laws, the rights of the seaman and the responsibilities of the shipmaster and shipowner have been determined by our admiralty courts as being included in the maritime law, substantially as specified in the old laws.

Some writers have pointed out what they conceive to be an essential difference between the older maritime laws which had their origin in the countries of the Mediterranean, as compared with those of a later period adopted by the nations of the northern seas. Thus, it has been said that the law of the South treated the seaman, at the time of engagement, as a slave, while that of the North treated him as a free-man. It appears, however, that in both cases the relations between shipmaster and seaman, after "clasping hands" were the same; they were mutually responsible to each other and jointly responsible to the ship and her freight. This, it would seem, is the essence of the seaman's contract. The engagement between seaman and shipmaster, once made, is binding for the period of the voyage. It can not be terminated except by mutual consent. If broken by either party the party at fault must pay to the other the full amount of benefits accruing to him under the contract, precisely as though the contract had been fully carried out. The success of maritime enterprise depends largely upon adherence to this principle.

The first Act of Congress relating to seamen, passed July 20, 1790, was modeled upon, and in some respects identical with an Act of the British Parliament passed in 1729. Successive measures passed by Congress during a period of many years were drawn upon the same model, although in most instances considerably later than the original. The Act of June 7, 1872, which embraced almost the whole law on the subject of seamen, was in many of its provisions a literal reproduction of the British law enacted in 1854. It is to be remarked that the American law differs from its prototype chiefly in the greater severity

of the penalties for certain offenses. Further, it appears that under the earlier laws of other countries many of the penalties imposed upon seamen for infractions of discipline were made contingent upon loss or damage resulting to the vessel by reason of the seaman's misconduct. Under the modern laws the penalties are imposed without reference to whether or not any loss or damage has been caused.

The British law of 1880 repealed the provision for imprisonment of deserting seamen and retained only a provision under which deserters might be arrested and conveyed on board their vessels. This law was altered in 1894 so as to permit the imprisonment of deserters, "except in cases arising in the United Kingdom." Although the American law of 1790 contained no provision for the imprisonment of deserters, that section of the Act of 1872 which practically re-enacted the former measure contained in addition a provision for imprisonment. The law in this respect remained unchanged until 1895, at which time the penalty of imprisonment for desertion was made not applicable to seamen in the coastwise trade. It is to be noted, however, that the penalty of imprisonment for desertion in a domestic port was still imposed upon seamen who at the time of desertion were engaged on a foreign voyage, and so continued until by the Act of December 21, 1898, the imposition of that penalty was limited to the offense of desertion in a "foreign port in the foreign trade." Thus it appears that, whereas under the British law imprisonment for desertion was abolished in 1880, and so continues in the ports of the United Kingdom, that penalty remained on the statutes of the United States for a subsequent period of eighteen years—that is, until 1898. By the Act of March 4, 1915, the penalty of imprisonment for desertion was entirely abolished. In this respect the laws of the United States are now in advance of those of all other countries.

The laws relating to seamen have from the earliest times down to the present day been chiefly distinguished by a single characteristic, namely, the obligation which binds the seaman to his ship during the period of the voyage for which he has been engaged. This feature has formed the groundwork of the whole structure, both as regards the rights and duties of the seaman and the responsibilities of the shipmaster and shipowner. As already noted, this feature of our Navigation Laws was originally adopted along with other leading characteristics of the laws long in use by other nations. Although now regarded as an anomaly in our system of personal relations, the feature of involuntary or obligatory service during the life of the shipping articles was until quite recently made applicable to American seamen as a necessity inherent in their calling. The first change in the law in this respect was made by the Maguire Act of 1895. The attempt then made to alter the seaman's status from that of a bondman during the

period of the voyage to that of a freeman, to the extent at least of freedom from the penalty of imprisonment for desertion, was immediately challenged by the arrest of certain seamen and their imprisonment and subsequent delivery on board the vessel from which they had deserted. The issue thus raised was carried to the United States Supreme Court. The judgment of the Court in the "Arago" case (No. 334, October term, 1896), rendered on January 25, 1897, marks an epoch in the history of maritime legislation. The reasoning followed in the decision covers a wide field and clearly exemplifies the view upon which all legislation of the kind in question has been based. The principal grounds of the Supreme Court's decision are as follows:

"The prohibition of slavery, in the Thirteenth Amendment, is well known to have been adopted with reference to a state of affairs which had existed in certain States of the Union since the foundation of the Government, while the addition of the words 'involuntary servitude' were said in the Slaughter-house cases (16 Wall, 36), to have been intended to cover the system of Mexican peonage and the Chinese coolie trade, the practical operation of which might have been a revival of the institution of slavery under a different and less offensive name. It is clear; however, that the amendment was not intended to introduce any novel doctrine with respect to certain descriptions of service which have always been treated as exceptional; such as military and naval enlistments, or to disturb the right of parents and guardians to the custody of their minor children or wards. The amendment, however, makes no distinction between a public and a private service. To say that persons engaged in a public service are not within the amendment is to admit that there are exceptions to its general language, and the further question is at once presented, Where shall the line be drawn? We know of no better answer to make than to say that services which have from time immemorial been treated as exceptional shall not be regarded as within its purview.

"From the earliest historical period the contract of the sailor has been treated as an exceptional one, and involving, to a certain extent, the surrender of his personal liberty during the life of the contract. Indeed, the business of navigation could scarcely be carried on without some guaranty, beyond the ordinary civil remedies upon contract, that the sailor will not desert the ship at a critical moment, or leave her at some place where seamen are impossible to be obtained—as Molloy forcibly expresses it, to 'rot in her neglected brine.' Such desertion might involve a long delay of the vessel while the master is seeking another crew, an abandonment of the voyage, and, in some cases, the safety of the ship itself. Hence, the laws of nearly all maritime nations have made provision for securing the personal attendance of the crew on board, and for their criminal punishment for desertion, or absence without leave during the life of the shipping articles.

"Even by the maritime law of the ancient Rhodians, which is supposed to antedate the birth of Christ by about nine hundred years, according to Pardessus (Lois Maritime, Vol. I, page 250), if the master or the sailors absented themselves by night, and the vessel were lost or damaged, they were bound to respond in the amount of the loss.

"In the compilation of maritime laws known as the Consulate of the Sea, it was also provided that a sailor should not go ashore without permission, upon the penalty of being obliged to pay any damage occasioned by his absence, and, in default of his being able to respond, of being thrust in prison until he had paid all such damage (Chaps. 121, 124; 2 Pardessus, 146, 147, 148).

"A like provision is found in the Rules of Oleron, promulgated in the reign of Henry III, by which (Art. V) the seamen were forbidden to leave the ship without the master's consent. 'If they do and by that means she happens to be lost or damnified, they shall be answerable for all

the damage' (I Pet. Adm'y, XI). A similar prohibition is found in article seventeen of the Laws of Wisby (I Pet. Ad., LXXIII).

"The provision of Rev. Stat., sec. 4598, under which these proceedings were taken, was first enacted by Congress in 1790 (1 Stat., 131, sec. 7). This act provided for the apprehension of deserters and their delivery on board the vessel, but apparently made no provision for imprisonment as a punishment for desertion; but by the Shipping Commissioner's Act of 1872 (17 Stat., 273, sec. 51), now incorporated into the Revised Statutes as section 4596, the court is authorized to add to forfeiture of wages for desertion imprisonment for a period of not more than three months, and for absence without leave imprisonment for not more than one month. In this act and the amendments thereto very careful provisions are made for the protection of seamen against the frauds and cruelty of masters, the devices of boarding-house keepers, and, as far as possible, against the consequences of their own ignorance and improvidence. At the same time, discipline is more stringently enforced by additional punishments for desertion, absence without leave, disobedience, insubordination, and barratry. Indeed, seamen are treated by Congress, as well as by the Parliament of Great Britain, as deficient in that full and intelligent responsibility for their acts which is accredited to ordinary adults, and as needing the protection of the law in the same sense which minors and wards are entitled to the protection of their parents and guardians—'quemadmodum pater in filios, magister in discipulos, dominus in servos vel familiares.' The ancient characterization of seamen as 'wards of admiralty' is even more accurate now than it was formerly.

"In face of this legislation upon the subject of desertion and absence without leave, which was in force in this country for more than sixty years before the Thirteenth Amendment was adopted and similar legislation abroad from time immemorial, it can not be open to doubt that the provision against involuntary servitude was never intended to apply to their contracts.

"The judgment of the court below is therefore affirmed.

"Mr. Justice Gray was not present at the argument, and took no part in the decision of this case."

A dissenting opinion was rendered by Mr. Justice Harlan. In that opinion the anomalous state of the law, as defined in the opinion of the Court, is clearly set forth. The principal features of the dissenting opinion are as follows:

"The Thirteenth Amendment of the Constitution of the United States declares that 'neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.'

"Slavery exists wherever the law recognizes a right of property in a human being; but slavery can not exist in any form within the United States. The Thirteenth Amendment uprooted slavery as it once existed in this country, and destroyed all of its badges and incidents. It established freedom for all. 'By its own unaided force and effect it abolished slavery and established freedom.' The amendment, this court has also said, 'is not a mere prohibition of State laws establishing or upholding slavery or involuntary servitude, but an absolute declaration that slavery or involuntary servitude shall not exist in any part of the United States' (Civil Rights Cases, 109 U. S., 1, 20). * * *

"It is said that the statute in question is sanctioned by long usage among the nations of the earth, as well as by the above Act of July 20, 1790.

"In considering the antiquity of regulations that restrain the personal freedom of seamen, the court refers to the laws of the ancient Rhodians, which are supposed to have antedated the Christian era. But those laws, whatever they may have been, were enacted at a time when no account was taken of man as man, when human life and human liberty were regarded as of little value, and when the powers of government were employed to gratify the ambition and the pleasures of despotic rulers rather than promote the welfare of the people.

"Attention has been called by the court to the laws enacted by the towns of the Hanseatic League, four hundred years ago, by one of which a seaman who went ashore without leave could, in certain contingencies, be kept in prison 'upon bread and water for one year,' and by another of which an officer or seaman who quit his ship and concealed himself could be apprehended and 'stigmatized in the face with the first letter of the name of the town to which he belongs.' Why the reference to these enactments of ancient times enforced by or under governments possessing arbitrary power inconsistent with a state of freedom? Does anyone suppose that a regulation of commerce authorizing seamen who quit their ship, without leave, to be imprisoned 'upon bread and water for one year,' or which required them to be 'stigmatized in the face' with the letter of the town or State to which they belonged, would now receive the sanction of any court in the United States?

"The further suggestion is made that seamen have always been treated by legislation in this country and in England as if they needed the protection of the law in the same sense that minors and wards need the protection of parents and guardians, and hence have been often described as 'wards of admiralty.' Some writers say that seamen are in need of the protection of the courts, 'because peculiarly exposed to the wiles of sharpers and unable to take care of themselves' (1 Parson's Shipp. and Adm., 32). Mr. Justice Story, in *Harden v. Gordon* (Mason, 541, 555), said that 'every court should watch with jealousy any encroachment upon the rights of seamen, because they are unprotected and need counsel; because they are thoughtless and require indulgence; because they are credulous and complying, and are easily overreached.' Mr. Justice Thompson, in the *Brig Cadmus v. Matthews* (2 Paine, 229, 240), said: 'In considering the obligations of seamen, arising out of their contract in shipping articles, according to the formula in common use, due weight ought to be given to the character and situation of this class of men. Generally ignorant and improvident, and probably very often signing the shipping articles without knowing what they contain, it is the duty of the court to watch over and protect their rights, and apply very liberal and equitable considerations to the enforcement of their contracts.'

"In view of these principles, I am unable to understand how the necessity for the protection of seamen against those who take advantage of them can be made the basis of legislation compelling them, against their will, and by force, to render personal service for others engaged in private business. Their supposed helpless condition is thus made the excuse for imposing upon them burdens that could not be imposed upon other classes without depriving them of rights that inhere in personal freedom. The Constitution furnishes no authority for any such distinction between classes of persons in this country. If prior to the adoption of the Thirteenth Amendment the arrest of a seaman and his forcible return under any circumstances to the vessel on which he had engaged to serve could have been authorized by an Act of Congress, such deprivation of the liberty of a freeman can not be justified under the Constitution as it now is. To give any other construction to the Constitution is to say that it is not made for all, and that all men in this land are not free and equal before the law, but that one class may be so far subjected to involuntary servitude as to be compelled by force to render personal services in a purely private business with which the public has no concern whatever.

"It seems to me that the Thirteenth Amendment, although tolerating involuntary servitude only when imposed as a punishment for crime, of which the party shall have been duly convicted, has been construed by the decision just rendered as if it contained an additional clause expressly excepting from its operation seamen who engage to serve on private vessels. Under this view of the Constitution we may now look for advertisements, not for runaway servants, as in the days of slavery, but for runaway seamen. In former days overseers could stand with whip in hand over slaves and force them to perform personal service for their masters. While with the assent of all that condition of things has ceased to exist, we can but be reminded of the past when it is adjudged to be consistent with the law of the land for freemen who happen to be seamen to be held in custody that they may be forced to go aboard private vessels and render personal services against their will.

"In my judgment the holding of any person in custody, whether in jail or by an officer of the law, against his will, for the purpose of compelling him to render personal service to another in a private business, places the person so held in custody in a condition of involuntary servitude forbidden by the Constitution of the United States; consequently, that the statute as it now is, and under which the appellants were arrested at Astoria and placed against their will on the barkentine *Arago*, is null and void, and their refusal to work on such vessel after being forcibly returned to it could not be made a public offense authorizing their subsequent arrest at San Francisco.

"I dissent from the opinion and judgment of the court."

These views of the Supreme Court are instructive as a complete presentation of the law in its general bearing upon the seaman. In the majority opinion the old law as it had existed for centuries is enunciated without the slightest modification or suggestion of change. In the dissenting opinion a new conception—new at least in the annals of maritime jurisprudence—is voiced, and, as it seems, in terms that challenge all the old institutions.

It is significant that within two years certain of the statutes upon which the Court's judgment was based were materially amended and others were repealed. The change thus made was followed by other steps in the same direction, resulting finally in the entire abolition of the system of involuntary servitude among American seamen in all ports and among the seamen of all nations in American ports.

The letter of the old law has been changed; the hardships incidental to the operation of the old law have been removed. But the essential features of the seaman's contract—those provisions of the law that are essential to the safety and success of commerce on the seas—remain embodied in the law of to-day. The principle of the seaman's contract, the principle of mutual rights and responsibilities and of inseparable relations between the seaman and shipmaster during the period of the voyage, continues in full force.

PART ONE

NATURALIZATION OF SEAMEN.

(See also "Licensed Officers" and "Manning Scale.")

R. S. 2174.

June 7, 1872 (Sec. 29), S. L. 17, p. 268.

NATURALIZATION AFTER THREE YEARS' SERVICE.

Every seaman, being a foreigner, who declares his intention of becoming a citizen of the United States in any competent court, and shall have served three years on board of a merchant vessel of the United States subsequent to the date of such declaration, may, on his application to any competent court, and the production of his certificate of discharge and good conduct during that time, together with the certificate of his declaration of intention to become a citizen, be admitted a citizen of the United States; and every seaman, being a foreigner, shall, after his declaration of intention to become a citizen of the United States, and after he shall have served such three years, be deemed a citizen of the United States for the purpose of manning and serving on board any merchant vessel of the United States, anything to the contrary in any act of Congress notwithstanding: but such seaman shall, for all purposes of protection as an American citizen, be deemed such, after the filing of his declaration of intention to become such citizen.

*MAY 9, 1918 (SEC. 1).

S. L. 40, p. 543.

That section four of an Act entitled "An Act to establish a Bureau of Immigration and Naturalization and to provide a uniform rule for the naturalization of aliens throughout the United States," approved June twenty-ninth, nineteen hundred and six, be, and is hereby, amended by adding seven new subdivisions as follows:

"Seventh. . . . Any alien . . . who has served for three years on board of any vessel of the United States Government, or for three years on board of merchant or fishing vessels of the United States of more than twenty tons burden, and while in the service on a re-enlistment or re-appointment, or within six months after an honorable discharge or separation therefrom . . . may, on presentation of the required declaration of intention, petition for naturalization without proof of the required five years' residence within the United

States if upon examination by the representative of the Bureau of Naturalization, in accordance with the requirements of this subdivision it is shown that such residence can not be established; . . . and, except as otherwise herein provided, the honorable discharge certificate of such alien, or person owing permanent allegiance to the United States, or the certificate of service showing good conduct, signed by a duly authorized officer, or by the masters of said vessels, shall be deemed prima facie evidence to satisfy all the requirements of residence within the United States and within the State, Territory, or the District of Columbia, and good moral character required by law, when supported by the affidavits of two witnesses, citizens of the United States, identifying the applicant as the person named in the certificate or honorable discharge.

“ . . . *Provided further*, That service by aliens upon vessels other than of American registry, whether continuous or broken, shall not be considered as residence for naturalization purposes within the jurisdiction of the United States, and such aliens can not secure residence for naturalization purposes during service upon vessels of foreign registry. . . .

*“Eighth. That every seaman, being an alien, shall, after his declaration of intention to become a citizen of the United States, and after he shall have served three years upon such merchant or fishing vessels of the United States, be deemed a citizen of the United States for the purpose of serving on board any such merchant or fishing vessel of the United States, anything to the contrary in any Act of Congress notwithstanding; but such seaman shall, for all purposes of protection as an American citizen, be deemed such after the filing of his declaration of intention to become such citizen; *Provided*, That nothing contained in this Act shall be taken or construed to repeal or modify any portion of the Act approved March fourth, nineteen hundred and fifteen . . ., being an Act to promote the welfare of American seamen.”

* Repeals R. S. 2174.

*R. S. 4588.

May 28, 1796 (Sec. 4), S. L. 1, p. 477

CERTIFICATE OF CITIZENSHIP.

The collector of every district shall keep a book or books, in which, at the request of any seaman, being a citizen of the United States of America, and producing proof of his citizenship, authenticated in the manner hereinafter directed, he shall enter the name of such seaman, and shall deliver to him a certificate, in the following form, that is

to say: "I, A. B., collector of the district of D., do hereby certify, that E. F., an American seaman, aged ——— years, or thereabouts, of the height of ——— feet ——— inches (describing the said seaman as particularly as may be), has, this day, produced to me proof in the manner directed by law; and I do hereby certify that the said E. F. is a citizen of the United States of America. In witness whereof, I have hereunto set my hand and seal of office, this ——— day of ———." It shall be the duty of the collectors to file and preserve the proofs of citizenship so produced. *For each certificate so delivered, the collectors shall be entitled to receive from the seaman applying for the same the sum of twenty-five cents.

* Fees abolished by Act, June 19, 1886.

*R. S. 4591.

May 28, 1796 (Sec. 7), S. L. 1, p. 477.

LIST OF CERTIFICATES OF CITIZENSHIP.

The collector of every port of entry in the United States shall send a list of the seamen to whom certificates of citizenship have been granted, once every three months, to the Secretary of State, together with an account of such impressments or detentions, as shall appear, by the protests of the masters, to have taken place.

LICENSED OFFICERS.

(See also "Manning Scale.")

R. S. 4131.

Dec. 31, 1792 (Sec. 1), S. L. 1, p. 287.

VESSELS SHALL BE COMMANDED BY CITIZEN.

Vessels registered pursuant to law, and no others, except such as shall be duly qualified, according to law, for carrying on the coasting trade and fisheries, or one of them, shall be deemed vessels of the United States, and entitled to the benefits and privileges appertaining to such vessels; but they shall not enjoy the same longer than they shall continue to be wholly owned by citizens and to be commanded by a citizen of the United States.

JUNE 26, 1884 (SEC. 1).

S. L. 23, p. 53 (R. S. 4131).

OFFICERS SHALL IN ALL CASES BE CITIZENS.

All the officers of vessels of the United States shall be citizens of the United States, except that in cases where, on a foreign voyage, or

on a voyage from an Atlantic to a Pacific port of the United States, any such vessel is for any reason deprived of the services of an officer below the grade of master, his place, or a vacancy caused by the promotion of another officer to such place, may be supplied by a person not a citizen of the United States until the first return of such vessel to its home port; and such vessel shall not be liable to any penalty or penal tax for such employment of an alien officer.

NOTE—Omitted, Act, April 17, 1874. See p. 170.

*MAY 28, 1896.

S. L. 29, p. 188 (R. S. 4131).

Vessels registered pursuant to law and no others, except such as shall be duly qualified according to law for carrying on the coasting or fishing trade, shall be deemed vessels of the United States, and entitled to the benefits and privileges appertaining to such vessels; but no such vessel shall enjoy such benefits and privileges longer than it shall continue to be wholly owned by a citizen or citizens of the United States or a corporation created under the laws of any of the States thereof, and be commanded by a citizen of the United States.

And all the officers of vessels of the United States who shall have charge of a watch, including pilots, shall in all cases be citizens of the United States.

The word "officers" shall include the chief engineer and each assistant engineer in charge of a watch on vessels propelled wholly or in part by steam; and after the first day of January, eighteen hundred and ninety-seven, no person shall be qualified to hold a license as a commander or watch officer of a merchant vessel of the United States who is not a native-born citizen, or whose naturalization as a citizen shall not have been fully completed.

SEC. 2. That all licenses issued to such officers shall be for a term of five years, but the holder of a license may have the same renewed for another five years at any time before its expiration:

Provided, however, That any officer holding a license, and who is engaged in a service which necessitates his continuous absence from the United States, may make application in writing for one renewal and transmit the same to the board of local inspectors with a statement of the applicant verified before a consul, or other officer of the United States authorized to administer an oath, setting forth the reasons for not appearing in person; and upon receiving the same the board of local inspectors that originally issued such license shall renew the same for one additional term of such license, and shall notify the applicant of such renewal.

And in all cases where the issue is the suspension or revocation of such licenses, whether before the local boards of inspectors as provided

for in section forty-four hundred and fifty of the Revised Statutes, or before the supervising inspector as provided for in section forty-four hundred and fifty-two of the Revised Statutes, the accused shall be allowed to appear by counsel and to testify in his own behalf. No master, mate, pilot, or engineer of steam vessels licensed under title fifty-two of the Revised Statutes shall be liable to draft in time of war, except for the performance of duties such as required by his license; and, while performing such duties in the service of the United States, every such master, mate, pilot, or engineer shall be entitled to the highest rate of wages paid in the merchant marine of the United States for similar services; and, if killed or wounded while performing such duties under the United States, they, or their heirs, or their legal representatives shall be entitled to all the privileges accorded to soldiers and sailors serving in the Army and Navy, under the pension laws of the United States.

* * * * *

SEC. 3. That all laws or parts of laws in conflict with this Act are hereby repealed.

But this shall not be construed to modify or repeal that provision of the Act of June twenty-sixth, eighteen hundred and eighty-four, which reads as follows:

In cases where on a foreign voyage, or on a voyage from an Atlantic to a Pacific port of the United States, any such vessel is for any reason deprived of the services of an officer below the grade of master, his place, or a vacancy caused by the promotion of another officer to such place, may be supplied by a person not a citizen of the United States until the first return of such vessel to its home port; and such vessel shall not be liable to any penalty or penal tax for such employment of an alien officer.

*OCT. 22, 1914 (SEC. 2).

S. L. 38, p. 765 (R. S. 4131).

SEC. 2. That all licenses issued to such officers shall be for a term of five years, but the holder of a license may have the same renewed for another five years in the manner prescribed in the rules and regulations of the Board of Supervising Inspectors: *Provided, however,* That any officer holding a license, and who is engaged in a service which necessitates his continuous absence from the United States, may make application in writing for renewal and transmit the same to the board of local inspectors, with his certificate of citizenship, if naturalized, and a statement of the applicant, verified before a consul or other officer of the United States authorized to administer an oath, setting forth the reasons for not appearing in person; and upon re-

ceiving the same the board of local inspectors that originally issued such license shall renew the same and shall notify the applicant of such renewal: *Provided further*, That no license as master, mate, or pilot of any class of vessel shall be renewed without furnishing a satisfactory certificate of examination as to color blindness. And in all cases where the issue is the suspension or revocation of such licenses, whether before the local boards of inspectors (of steam vessels), as provided for in section forty-four hundred and fifty of the Revised Statutes, or before the supervising inspector, as provided for in section forty-four hundred and fifty-two of the Revised Statutes, the accused shall be allowed to appear by counsel and to testify in his own behalf. No master, mate, pilot, or engineer of steam vessels licensed under title fifty-two of the Revised Statutes, pages forty-three hundred and ninety-nine to forty-five hundred, shall be liable to draft in time of war, except for the performance of duties such as required by his license; and while performing such duties in the service of the United States every such master, mate, pilot, or engineer shall be entitled to the highest rate of wages paid in the merchant marine of the United States for similar services; and if killed or wounded while performing such duties under the United States, they, or their heirs, or their legal representatives, shall be entitled to all the privileges accorded to soldiers and sailors serving in the Army or Navy, under the pension laws of the United States.

*R. S. 4219.

Feb. 27, 1877, S. L. 19, p. 250.

PENALTY FOR NON-CITIZEN OFFICER.

. . . Any vessel, any officer of which shall not be a citizen of the United States, shall pay a tax of fifty cents per ton.

*R. S. 4401.

Feb. 28, 1871 (Sec. 51), S. L. 16, p. 455.

VESSELS NAVIGATING COASTWISE AND ON GREAT LAKES.

All coastwise sea-going vessels, and vessels navigating the great lakes, shall be subject to the navigation laws of the United States, when navigating within the jurisdiction thereof; and all vessels, propelled in whole or in part by steam, and navigating as aforesaid, shall be subject to all the rules and regulations established in pursuance of law for the government of steam-vessels in passing, as provided by this Title; and every coastwise sea-going steam-vessel subject to the navigation laws of the United States, and to the rules and regulations

aforesaid, not sailing under register, shall, when under way, except on the high seas, be under the control and direction of pilots licensed by the inspectors of steamboats.

*R. S. 4406.

Feb. 28, 1871 (Sec. 24), S. L. 16, p. 449.

DUTIES OF SUPERVISING INSPECTORS.

Each supervising inspector shall watch over all parts of the territory assigned to him, shall visit, confer with, and examine into the doings of the local boards of inspectors within his district, and shall instruct them in the proper performance of their duties; and shall, whenever he thinks it expedient, visit any vessels licensed, and examine into their condition, for the purpose of ascertaining whether the provisions of this Title have been observed and complied with, both by the board of inspectors and the master and owners. All masters, engineers, mates, and pilots of such vessels shall answer all reasonable inquiries, and shall give all the information in their power in regard to any such vessel so visited, and her machinery for steaming, and the manner of managing both.

*R. S. 4407.

Feb. 28, 1871 (Sec. 25), S. L. 16, p. 449.

DUTIES OF SUPERVISING INSPECTORS AS TO VIOLATIONS OF LAW.

Whenever a supervising inspector ascertains to his satisfaction that any master, mate, engineer, pilot, or owner of any steam-vessel fails to perform his duties according to the provisions of this Title, he shall report the facts in writing to the board of local inspectors in the district where the vessel was inspected or belongs; and, if need be, he shall cause the negligent or offending party to be prosecuted; and if the supervising inspector has good reason to believe there has been, through negligence or any other cause, a failure of the board which inspected the vessel to do its duty, he shall report the facts in writing to the Secretary of the *Treasury; who shall cause immediate investigation into the truth of the complaint, and, if he deems the cause sufficient, shall remove any officer found delinquent.

*"Commerce and Labor"—Feb. 14, 1903, Sec. 10. "Commerce"—Mar. 4, 1913, Sec. 1.

*R. S. 4413.

Feb. 28, 1871 (Sec. 29), S. L. 16, p. 450.

PENALTY FOR VIOLATION OF REGULATIONS.

Every pilot, engineer, mate, or master of any steam-vessel who neglects or willfully refuses to observe the regulations established in

pursuance of the preceding section [rules of the road], shall be liable to a penalty of fifty dollars, and for all damages sustained by any passenger, in his person or baggage, by such neglect or refusal.

R. S. 4426.

Feb. 28, 1871 (Sec. 58), S. L. 16, p. 456.

FERRY-BOATS, CANAL-BOATS, YACHTS, ETC.

The hull and boilers of every ferry-boat, canal-boat, yacht, or other small craft of like character, propelled by steam, shall be inspected under the provisions of this Title. Such other provisions of law for the better security of life, as may be applicable to such vessels, shall, by the regulations of the board of supervising inspectors, also be required to be complied with, before a certificate of inspection shall be granted; and no such vessel shall be navigated without a licensed engineer and a licensed pilot.

DEC. 22, 1890.

S. L. 26, p. 692 (R. S. 4426).

That section forty-four hundred and twenty-six of the Revised Statutes of the United States be amended by adding the following words:

Provided, however, That in open steam-launches of ten tons burden and under, one person, if duly qualified, may serve in the double capacity of pilot and engineer.

JAN. 18, 1897.

S. L. 29, p. 489 (R. S. 4426).

That all vessels of above fifteen tons burden, carrying freight or passengers for hire, propelled by gas, fluid, naphtha, or electric motors, shall be, and are hereby, made subject to all the provisions of section forty-four hundred and twenty-six of the Revised Statutes of the United States, relating to the inspection of hulls and boilers and requiring engineers and pilots; and all vessels so propelled, without regard to tonnage or use, shall be subject to the provisions of section forty-four hundred and twelve of the Revised Statutes of the United States, relating to the regulation of steam vessels in passing each other; and to so much of sections forty-two hundred and thirty-three and forty-two hundred and thirty-four of the Revised Statutes, relating to lights, fog signals, steering, and sailing rules, as the Board of Supervising Inspectors shall, by their regulations, deem applicable and practicable for their safe navigation.

*MAY 16, 1906.

S. L. 34, p. 193 (R. S. 4426).

That section forty-four hundred and twenty-six of the Revised Statutes of the United States be, and it is hereby, amended by striking out, after the words "launches of ten," and before the words "and under," the words "tons burden," and inserting in lieu thereof the words "gross tons," and by striking out, after the words "above fifteen," and before the words "carrying freight," the words "tons burden," and inserting in lieu thereof the words "gross tons;" and also that said section be, and it is hereby, further amended by adding at the end thereof the following: "All vessels of fifteen gross tons or less propelled in whole or in part by gas, gasoline, petroleum, naphtha, fluid, or electricity, and carrying passengers for hire, shall carry one life-preserver, of the sort prescribed by the regulations of the board of supervising inspectors, for every passenger carried, and no such boat while so carrying passengers shall be operated or navigated except in charge of a person duly licensed for such service by the local board of inspectors. No examination shall be required as a condition of the obtaining of such a license, and any such license shall be revoked or suspended by the local board of inspectors for misconduct, gross negligence, recklessness in navigation, intemperance, or violation of law on the part of the holder, and if revoked, the person holding such license shall be incapable of obtaining another such license for one year from the date of revocation," so that said section, when amended, shall read as follows:

SEC. 4426. The hull and boilers of every ferry-boat, canal-boat, yacht, or other small craft of like character propelled by steam, shall be inspected under the provisions of this Title. Such other provisions of law for the better security of life as may be applicable to such vessels shall, by the regulations of the board of supervising inspectors, also be required to be complied with before a certificate of inspection shall be granted, and no such vessel shall be navigated without a licensed engineer and a licensed pilot: *Provided, however,* That in open steam launches of ten gross tons and under, one person, if duly qualified, may serve in the double capacity of pilot and engineer. All vessels of above fifteen gross tons carrying freight or passengers for hire, but not engaged in fishing as a regular business, propelled by gas, fluid, naphtha, or electric motors, shall be, and are hereby, made subject to all the provisions of section forty-four hundred and twenty-six of the Revised Statutes of the United States relating to the inspection of hulls and boilers and requiring engineers and pilots, and for any violation of the provisions of this Title applicable to such vessels, or of rules or regulations lawfully established thereunder, and to the

extent to which such provisions of law and regulations are so applicable, the said vessels, their masters, officers, and owners shall be subject to the provisions of sections forty-four hundred and ninety-six, forty-four hundred and ninety-seven, forty-four hundred and ninety-eight, forty-four hundred and ninety-nine, and forty-five hundred, relating to the imposition and enforcement of penalties and the enforcement of law.

All vessels of fifteen gross tons or less propelled in whole or in part by gas, gasoline, petroleum, naphtha, fluid, or electricity, and carrying passengers for hire, shall carry one life-preserver, of the sort prescribed by the regulations of the board of supervising inspectors, for every passenger carried, and no such boat while so carrying passengers shall be operated or navigated except in charge of a person duly licensed for such service by the local board of inspectors. No examination shall be required as a condition of the obtaining of such a license, and any such license shall be revoked or suspended by the local board of inspectors for misconduct, gross negligence, recklessness in navigation, intemperance, or violation of law on the part of the holder, and if revoked, the person holding such license shall be incapable of obtaining another such license for one year from the date of revocation.

*JUNE 9, 1910 (SEC. 5).

S. L. 36, p. 463.

MOTOR BOATS NOT REQUIRED TO CARRY LICENSED OFFICERS.

All motor boats carrying passengers for hire shall carry one life-preserver of the sort prescribed by the regulations of the Board of Supervising Inspectors for every passenger carried, and no such boat while so carrying passengers for hire shall be operated or navigated except in charge of a person duly licensed for such service by the Local Board of Inspectors. No examination shall be required as the condition of obtaining such a license, and any such license shall be revoked or suspended by the Local Board of Inspectors for misconduct, gross negligence, recklessness in navigation, intemperance, or violation of law on the part of the holder, and if revoked the person holding such license shall be incapable of obtaining another such license for one year from the date of revocation: *Provided*, That motor boats shall not be required to carry licensed officers, except as required in this Act.

*R. S. 4427.

Feb. 28, 1871 (Sec. 59), S. L. 16, p. 456.

TUG-BOATS, FREIGHT-BOATS, ETC.

The hull and boiler of every tug-boat, towing-boat, and freight-boat shall be inspected, under the provisions of this Title; and the inspectors shall see that the boilers, machinery, and appurtenances of such vessel are not dangerous in form or workmanship, and that the safety-valves, gauge-cocks, low-water alarm-indicators, steam-gauges, and fusible plugs are all attached in conformity to law; and the officers navigating such vessels shall be licensed in conformity with the provisions of this Title, and shall be subject to the same provisions of law as officers navigating passenger-steamers.

R. S. 4438.

Feb. 28, 1871 (Sec. 14), S. L. 16, p. 446.

LICENSES OF OFFICERS BY INSPECTORS.

The boards of local inspectors shall license and classify the masters, chief mates, engineers, and pilots of all steam-vessels. It shall be unlawful to employ any person, or for any person to serve as master, chief mate, engineer, or pilot on any steamer, who is not licensed by the inspectors; and any one violating this section shall be liable to a penalty of one hundred dollars for each offense.

DEC. 21, 1898 (SEC. 1).

S. L. 30, p. 764 (R. S. 4438).

SEC. 4438. The boards of local inspectors shall license and classify the masters, chief mates, and second and third mates, if in charge of a watch, engineers, and pilots of all steam-vessels, and the masters and chief mates of sail-vessels of over seven hundred tons and all other vessels and barges of over one hundred tons burden carrying passengers for hire. It shall be unlawful to employ any person, or for any person to serve, as a master, chief mate, engineer, or pilot of any steamer, or as master or chief mate of any sail-vessel of over seven hundred tons who is not licensed by the inspectors; and any one violating this section shall be liable to a penalty of one hundred dollars for each offense.

JAN. 25, 1907.

S. L. 34, p. 864 (R. S. 4438).

SEC. 4438. The boards of local inspectors shall license and classify the masters, chief mates, and second and third mates, if in charge of a watch, engineers, and pilots of all steam-vessels, and the masters of

sail-vessels of over seven hundred gross tons, and all other vessels of over one hundred gross tons carrying passengers for hire. It shall be unlawful to employ any person, or for any person to serve, as a master, chief mate, engineer in charge of a watch, or pilot of any steamer or as master of any sail-vessel of over seven hundred gross tons, or of any other vessel of over one hundred gross tons carrying passengers for hire, who is not licensed by the inspectors; and anyone violating this section shall be liable to a penalty of one hundred dollars for each offense.

*MAY 28, 1908 (SEC. 2).

S. L. 35, p. 425 (R. S. 4438).

SEC. 4438. The boards of local inspectors shall license and classify the masters, chief mates, and second and third mates, if in charge of a watch, engineers, and pilots of all steam-vessels, and the masters of sail-vessels of over seven hundred gross tons, and all other vessels of over one hundred gross tons carrying passengers for hire. It shall be unlawful to employ any person or for any person to serve as a master, chief mate, engineer, or pilot of any steamer or as master of any sail-vessel of over seven hundred gross tons or of any other vessel of over one hundred gross tons carrying passengers for hire who is not licensed by the inspectors; and anyone violating this section shall be liable to a penalty of one hundred dollars for each offense.

R. S. 4439.

Feb. 28, 1871 (Sec. 15), S. L. 16, p. 446.

LICENSE OF CAPTAIN.

Whenever any person applies to be licensed as master of a steam-vessel, the inspector shall make diligent inquiry as to his character, and shall carefully examine the applicant, as well as the proofs which he presents in support of his claim, and if they are satisfied that his capacity, experience, habits of life, and character are such as to warrant the belief that he can be safely intrusted with the duties and responsibilities of the station for which he makes application, they shall grant him a license authorizing him to discharge such duties on any such vessel for the term of one year; but such license shall be suspended or revoked, upon satisfactory proof of bad conduct, intemperate habits, incapacity, inattention to his duties, or the willful violation of any provisions of this Title.

*DEC. 21, 1898 (SEC. 2).

S. L. 30, p. 764 (R. S. 4439).

SEC. 4439. Whenever any person applies to be licensed as master of any steam-vessel, or of a sail-vessel of over seven hundred tons, the inspectors shall make diligent inquiry as to his character, and shall carefully examine the applicant as well as the proofs which he presents in support of his claim, and if they are satisfied that his capacity, experience, habits of life, and character are such as warrant the belief that he can safely be intrusted with the duties and responsibilities of the station for which he makes application, they shall grant him a license authorizing him to discharge such duties on any such vessel for the term of five years; but such license shall be suspended or revoked upon satisfactory proof of bad conduct, intemperate habits, incapacity, inattention to his duties, or the willful violation of any provision of this Title applicable to him.

R. S. 4440.

Feb. 28, 1871 (Sec. 16), S. L. 16, p. 446.

LICENSE OF CHIEF MATE.

Whenever any person applies for authority to be employed as chief mate of steam-vessels, the inspectors shall require satisfactory evidence of the knowledge, experience, and skill of the applicant in lading cargo, and in handling and stowage of freight, and shall examine him as to his knowledge and ability in navigation and managing such vessels, and all other duties pertaining to his station; and if satisfied of his qualifications and good character, they shall grant him a license, authorizing him to perform such duties for the term of one year; but such license shall be suspended or revoked upon satisfactory proof of bad conduct, intemperate habits, unskillfulness, or want of knowledge of the duties of his station, or the willful violation of any provision of this Title.

*DEC. 21, 1898 (SEC. 3).

S. L. 30, p. 765 (R. S. 4440).

SEC. 4440. Whenever any person applies for authority to be employed as chief mate of ocean or coastwise steam-vessels or of sail-vessels of over seven hundred tons, or as second or third mate of ocean or coastwise steam-vessels, who shall have charge of a watch, or whenever any person applies for authority to be employed as mate of river steamers, the inspectors shall require satisfactory evidence of the knowledge, experience, and skill of the applicant in lading cargo

and in handling and stowage of freight, and if for license as chief mate on ocean or coastwise steamers, or of sail-vessels of over seven hundred tons, or as second or third mate of ocean or coastwise steamers, who shall have charge of a watch, shall also examine him as to his knowledge and ability in navigation and managing such vessels and all other duties pertaining to his station, and if satisfied of his qualifications and good character they shall grant him a license authorizing him to perform such duties for the term of five years upon the waters upon which he is found qualified to act; but such license shall be suspended or revoked upon satisfactory proof of bad conduct, intemperate habits, unskillfulness, or want of knowledge of the duties of his station or the willful violation of any provision of this title.

*R. S. 4441.

Feb. 28, 1871 (Sec. 17), S. L. 16, p. 446; April 17, 1874, S. L. 18, p. 30;
Feb. 27, 1877, S. L. 19, p. 252.

LICENSE OF ENGINEER.

Whenever any person applies for authority to perform the duties of engineer of any steam-vessel, the inspectors shall examine the applicant as to his knowledge of steam machinery, and his experience as an engineer, and also the proofs which he produces in support of his claim; and if, upon full consideration, they are satisfied that his character, habits of life, knowledge, and experience in the duties of an engineer are all such as to authorize the belief that he is a suitable and safe person to be intrusted with the powers and duties of such a station, they shall grant him a license, authorizing him to be employed in such duties for the term of *one year, in which they shall assign him to the appropriate class of engineers; but such license shall be suspended or revoked upon satisfactory proof of negligence, unskillfulness, intemperance, or the willful violation of any provision of this Title. Whenever complaint is made against any engineer holding a license authorizing him to take charge of the boilers and machinery of any steamer, that he has, through negligence or want of skill, permitted the boilers in his charge to burn or otherwise become in bad condition, or that he has not kept his engine and machinery in good working order, it shall be the duty of the inspectors, upon satisfactory proof of such negligence or want of skill, to revoke the license of such engineer and assign him to a lower grade or class of engineers, if they find him fitted therefor.

* "Five years"—May 28, 1896, Sec. 2.

*R. S. 4442.

Feb. 28, 1871 (Sec. 18), S. L. 16, p. 447.

LICENSE OF PILOT.

Whenever any person claiming to be a skillful pilot of steam-vessels offers himself for a license, the inspectors shall make diligent inquiry as to his character and merits, and if satisfied, from personal examination of the applicant, with the proof that he offers that he possesses the requisite knowledge and skill, and is trustworthy and faithful, they shall grant him a license for the term of *one year to pilot any such vessel within the limits prescribed in the license; but such license shall be suspended or revoked upon satisfactory evidence of negligence, unskillfulness, inattention to the duties of his station, or intemperance, or the willful violation of any provision of this Title.

*"Five years"—May 28, 1896, Sec. 2.

*R. S. 4443.

Feb. 28, 1871 (Sec. 18), S. L. 16, p. 447.

LICENSE OF CAPTAIN OR MATE AS PILOT.

Where the master or mate is also pilot of the vessel, he shall not be required to hold two licenses to perform such duties, but the license issued shall state on its face that he is authorized to act in such double capacity.

*R. S. 4444.

Feb. 28, 1871 (Sec. 51), S. L. 16, p. 455.

STATE REGULATION OF PILOTS.

No State or municipal government shall impose upon pilots of steam-vessels any obligation to procure a State or other license in addition to that issued by the United States, or any other regulation which will impede such pilots in the performance of the duties required by this Title; nor shall any pilot-charges be levied by any such authority upon any steamer piloted as provided by this Title; and in no case shall the fees charged for the pilotage of any steam-vessel exceed the customary or legally established rates in the State where the same is performed. Nothing in this Title shall be construed to annul or affect any regulation established by the laws of any State, requiring vessels entering or leaving a port in any such State, other than coastwise steam-vessels, to take a pilot duly licensed or authorized by the laws of such State, or of a State situate upon the waters of such State.

*R. S. 4445.

Feb. 28, 1871 (Sec. 56), S. L. 16, p. 456.

OATH OF LICENSED OFFICERS.

Every master, chief mate, engineer, and pilot, who receives a license, shall, before entering upon his duties, make oath before one of the inspectors herein provided for, to be recorded with the certificate, that he will faithfully and honestly, according to his best skill and judgment, without concealment or reservation, perform all the duties required of him by law.

*MARCH 23, 1900.

S. L. 31, p. 50 (R. S. 4445).

That section forty-four hundred and forty-five, of Title fifty-two, of the Revised Statutes, be, and is hereby, amended by adding thereto the following paragraphs:

SEC. 4445. Every applicant for license as either master, mate, pilot, or engineer under the provisions of this Title shall make and subscribe to an oath or affirmation, before one of the Inspectors referred to in this Title, to the truth of all the statements set forth in his application for such license.

Any person who shall make or subscribe to any oath or affirmation authorized in this Title and knowing the same to be false shall be deemed guilty of perjury.

Every licensed master, mate, pilot, or engineer who shall change, by addition, interpolation, or erasure of any kind, any certificate or license issued by any Inspector or Inspectors referred to in this Title shall, for every such offense, upon conviction, be punished by a fine of not more than five hundred dollars or by imprisonment at hard labor for a term not exceeding three years.

R. S. 4446.

Feb. 28, 1871 (Sec. 18), S. L. 16, p. 447.

LICENSE TO BE EXHIBITED.

Every master, mate, engineer, and pilot who shall receive a license shall, when employed upon any vessel, place his certificate of license, which shall be framed under glass, in some conspicuous place in such vessel, where it can be seen by passengers and others at all times; and for every neglect to comply with this provision by any such master, mate, engineer, or pilot, he shall be subject to a fine of one hundred dollars, or to the revocation of his license.

*FEB. 10, 1907.

S. L. 34, p. 807 (R. S. 4446).

SEC. 4446. Every master, mate, engineer, and pilot who shall receive a license shall, when employed upon any vessel, within forty-eight hours after going on duty, place his certificate of license, which shall be framed under glass, in some conspicuous place in such vessel, where it can be seen by passengers and others at all times: *Provided*, That in case of emergency such officer may be transferred to another vessel of the same owners for a period not exceeding forty-eight hours without the transfer of his license to such other vessel; and for every neglect to comply with this provision by any such master, mate, engineer or pilot, he shall be subject to a fine of one hundred dollars, or to the revocation of his license.

*R. S. 4447.

Feb. 28, 1871 (Sec. 56), S. L. 16, p. 456.

RENEWAL OF OFFICER'S LICENSE.

When any licensed officer is employed on a steamer in a district distant from any local board of inspectors, such inspectors, or the supervising inspector of the district, may grant a renewal of his license, without such licensed officer being personally present, under such regulations as the board of supervising inspectors shall prescribe.

R. S. 4448.

Feb. 28, 1871 (Sec. 54), S. L. 16, p. 456.

LICENSED OFFICERS TO ASSIST INSPECTORS IN EXAMINATIONS.

All officers licensed under the provisions of this Title shall assist the inspectors in their examination of any vessel to which such licensed officers belong, and shall point out all defects and imperfections known to them in the hull, equipments, boilers, or machinery of such vessel, and also shall make known to the inspectors, at the earliest opportunity, all accidents or occurrences producing serious injury to the vessel, her boilers, or machinery; and in default thereof the license of any such officer so neglecting or refusing shall be revoked.

R. S. 4449.

Feb. 28, 1871 (Sec. 55), S. L. 16, p. 456.

REVOCATION OF OFFICER'S LICENSE FOR REFUSAL TO SERVE, ETC.

If any licensed officer shall, to the hindrance of commerce, wrongfully or unreasonably refuse to serve in his official capacity on any

steamer, as authorized by the terms of his certificate of license, or shall fail to deliver to the applicant for such service at the time of such refusal, if the same shall be demanded, a statement in writing assigning good and sufficient reasons therefor, or if any pilot or engineer shall refuse to admit into the pilot-house or engine-room any person whom the master or owner of the vessel may desire to place there for the purpose of learning the profession, his license shall be revoked, upon the same proceedings as are provided in other cases of revocation of such licenses.

MARCH 3, 1905 (SEC. 5).

S. L. 33, p. 1030 (R. S. 4449).

“SEC. 4449. If any licensed officer shall, to the hindrance of commerce, wrongfully or unreasonably refuse to serve in his official capacity on any vessel as authorized by the terms of his certificate of license, or shall fail to deliver to the applicant for such service at the time of such refusal, if the same shall be demanded, a statement in writing assigning good and sufficient reasons therefor, or if any pilot or engineer shall refuse to admit into the pilot house or engine-room any person whom the master or owner of the vessel may desire to place there for the purpose of learning the profession, his license shall be revoked or suspended upon the same proceedings as are provided in other cases of revocation or suspension of such licenses.”

*MARCH 3, 1915.

S. L. 38, p. 893 (R. S. 4448, 4449).

SEC. 4448. That all officers licensed under the provisions of this title shall assist the inspectors in their examination of any vessel to which such licensed officers belong and shall point out all defects and imperfections known to them in the hull, equipments, boilers, or machinery of such vessel, and shall also make known to the Inspectors at the earliest opportunity all accidents or occurrences producing serious injury to the vessel, her equipments, boilers, or machinery, and in default thereof the license of any such officer so neglecting or refusing shall be suspended or revoked.

No inspector or supervising inspector receiving information from a licensed officer who is employed on any vessel as to defects in such vessel, or her equipments, boilers, or machinery, or that any provision of this title is being violated, shall impart the name of such licensed officer, or the source of his information, to any person other than his superiors in the steamboat-inspection service. Any inspector or supervising inspector violating this provision shall be subject to dismissal from the service.

SEC. 4449. That if any licensed officer shall, to the hindrance of commerce, wrongfully or unreasonably refuse to perform his official duties after having signed Articles or while employed on any vessel as authorized by the terms of his certificate or license, or if any pilot or engineer shall refuse to admit into the pilot-house or engine-room any person whom the master or owner of the vessel may desire to place there for the purpose of learning the profession, his license shall be revoked or suspended upon the same proceedings as are provided in other cases of revocation or suspension of such license.

*R. S. 4450.

Feb. 28, 1871 (Sec. 19), S. L. 16, p. 447.

INVESTIGATION OF CONDUCT OF OFFICERS.

The local boards of inspectors shall investigate all acts of incompetency or misconduct committed by any licensed officer while acting under the authority of his license, and shall have power to summon before them any witnesses within their respective districts, and compel their attendance by a similar process as in the United States circuit or district courts; and they may administer all necessary oaths to any witnesses thus summoned before them; and after reasonable notice in writing, given to the alleged delinquent, of the time and place of such investigation, such witnesses shall be examined. under oath, touching the performance of his duties by any such licensed officer; and if the board shall be satisfied that such licensed officer is incompetent, or has been guilty of misbehavior, negligence, or unskillfulness, or has endangered life, or willfully violated any provision of this Title, they shall immediately suspend or revoke his license.

R. S. 4452.

Feb. 28, 1871 (Sec. 20), S. L. 16, p. 447.

APPEAL TO SUPERVISING INSPECTOR.

Whenever any board of local inspectors refuses to grant a license to any person applying for the same, or suspends or revokes the license of any master, mate, engineer, or pilot, any person deeming himself wronged by such refusal, suspension, or revocation, may, within thirty days thereof, on application to the supervising inspector of the district, have his case examined anew by such supervising inspector; and the local board shall furnish to the supervising inspector, in writing, the reasons for its doings in the premises; and such supervising inspector shall examine the case anew, and he shall have the same

powers to summon witnesses and compel their attendance, and to administer oaths, that are conferred on local inspectors; and such witnesses and the marshal shall be paid in the same manner as provided for by the preceding section; and such supervising inspector may revoke, change, or modify the decision of such local board; and like proceedings may be had by any master or owner of any steam-vessel in relation to the inspection of such vessel, or her boilers or machinery, by any such local board; and in case of repairs, and in any investigation or inspection, where there shall be a disagreement between the local inspectors, the supervising inspector, when so requested, shall investigate and decide the case.

MARCH 3, 1905 (SEC. 6).

S. L. 33, p. 1030 (R. S. 4452).

SEC. 4452. Whenever any board of local inspectors refuses to grant a license to any person applying for the same, or suspends or revokes the license of any master, mate, engineer, or pilot, any person deeming himself wronged by such refusal, suspension, or revocation, may, within thirty days thereof on application to the supervising inspector of the district, have his case examined anew by such supervising inspector; and the local board shall furnish to the supervising inspector, in writing, the reasons for its doings in the premises; and such supervising inspector shall examine the case anew, and he shall have the same powers to summon witnesses and compel their attendance and to administer oaths that are conferred on local inspectors; and such witnesses and the marshal shall be paid in the same manner as provided for by the preceding section; and such supervising inspector may revoke, change, or modify the decision of such local board; and like proceedings may be had by any master or owner of any steam vessel in relation to the inspection of such vessel, or her boilers or machinery, by any such local board; and, in case of repairs, and in any investigation or inspection, where there shall be a disagreement between the local inspectors, the supervising inspector, when so requested, shall investigate and decide the case. In cases of trials for the revocation or suspension of an officer's license, where either the license has been revoked or suspension for more than six months has been made, and such action has been affirmed by the supervising inspector, the officer whose license is in question may have the case examined anew by the Supervising Inspector-General, who shall have the same powers to summon witnesses, to compel their attendance, and to administer oaths as are conferred on local inspectors, and the Supervising Inspector-General may revoke, change, or modify said decisions. Application for such re-examination of the case shall be

made to the Supervising Inspector-General within thirty days after final decision by the supervising inspector.

*JUNE 10, 1918.

S. L. 40, p. 602 (R. S. 4452).

That whenever any person directly interested in or affected by any decision or action of any board of local inspectors of vessels shall feel aggrieved by such decision or action, he may appeal therefrom to the supervising inspector of the district; and a like appeal shall be allowed from any decision or action of a supervising inspector to the Supervising Inspector-General, whose decision, when approved by the Secretary of Commerce, shall be final; *provided, however*, that application for such re-examination of the case by a supervising inspector or by the Supervising Inspector-General shall be made within thirty days after the decision or action appealed from shall have been rendered or taken; *and provided further*, that in all cases reviewed under the provisions of this act where the issue is the suspension or revocation of the license of a licensed officer, such officer shall be allowed to be represented by counsel and to testify in his own behalf.

SEC. 2. That whenever there shall be a disagreement between the local inspectors in regard to any matter before them for decision they shall report the case to the supervising inspector of the district, who shall investigate and decide the same. Any supervising inspector may within thirty days thereafter, upon his own motion, review any decision or action of any supervising inspector or board of local inspectors, and the decision of the Supervising Inspector-General in such case shall, when approved by the Secretary of Commerce, be final.

SEC. 3. That any decision or action reviewed by the Supervising Inspector-General or by any supervising inspector, as provided in sections one and two of this act, may be revoked, changed, or modified by such reviewing officer, who shall have power to administer oaths and to summon and compel the attendance of witnesses by a similar process as in the district courts of the United States; and the disbursing clerk, Department of Commerce, shall pay, on properly certified vouchers, such fees to any witness so summoned for his actual travel and attendance as shall be officially certified to by the officer reviewing the case, not exceeding the rate allowed for fees to witnesses for travel and attendance in the district courts of the United States.

SEC. 4. That the Secretary of Commerce shall make such regula-

tions as may be necessary to secure a proper enforcement of the provisions of this act.

SEC. 5. That section forty-four hundred and fifty-two of the Revised Statutes, as amended by section six of the act of March third, nineteen hundred and five, is hereby repealed.

*R. S. 4455.

Feb. 28, 1871 (Sec. 21), S. L. 16, p. 448.

EFFECT OF DECISIONS BY INSPECTORS.

The inspectors of one district shall not modify or annul the doings of the inspectors of another district in regard to repairs, unless there is a change in the state of things, demanding more repairs than were thought necessary when the order was made. Nor shall the inspectors of one district license a person coming from another district, if such person has been rejected for unfitness or want of qualifications.

R. S. 4458.

Feb. 28, 1871 (Sec. 60), S. L. 16, p. 457.

LICENSE FEES.

Before issuing any license to any steamer, the collector or other chief officer of the customs for the port or district, shall demand and receive from the owners thereof, as a compensation for the inspections and examination made for the year, the following sums, in addition to the fees for issuing enrollments and licenses now allowed by law, according to the tonnage of the vessel: For each steam-vessel of one hundred tons or under, twenty-five dollars; and in addition thereto, for each and every ton in excess of one hundred tons, five cents. Each master, chief engineer, and first-class pilot, licensed as herein provided, shall pay for every certificate, granted by any inspector or inspectors, the sum of ten dollars; and every chief mate, engineer, and pilot of an inferior grade shall pay, for every certificate so granted, the sum of five dollars. Such fees shall be paid over to the chief officer of the customs in such manner and under such regulations as shall be prescribed by the Secretary of the Treasury.

APRIL 5, 1882.

S. L. 22, p. 40 (R. S. 4458).

That section forty-four hundred and fifty-eight of the Revised Statutes be, and is hereby, amended by striking out of the paragraph, beginning in the eighth line thereof, the following words,

that is to say, "Each master, chief engineer, and first-class pilot licensed as herein provided shall pay for every certificate granted by any inspector or inspectors the sum of ten dollars and every chief mate, engineer, and pilot of an inferior grade shall pay for every certificate so granted the sum of five dollars" and insert in lieu thereof the following: "Each master, engineer, pilot, and mate licensed as herein provided shall pay for every certificate granted by any inspector or inspectors the sum of fifty cents." *

* Fees abolished—June 19, 1886, Sec. 1.

R. S. 4463.

Feb. 28, 1871 (Sec. 14), S. L. 16, p. 446.

OFFICERS AND CREW OF PASSENGER STEAMERS.

No steamer carrying passengers shall depart from any port unless she shall have in her service a full complement of licensed officers and full crew, sufficient at all times to manage the vessel, including the proper number of watchmen. But if any such vessel, on her voyage, is deprived of the services of any licensed officer, without the consent, fault, or collusion of the master, owner, or any person interested in the vessel, the deficiency may be temporarily supplied, until others licensed can be obtained.

APRIL 2, 1908.

S. L. 35, p. 55 (R. S. 4463).

SEC. 4463. Any vessel of the United States subject to the provisions of this title or to the inspection laws of the United States shall not be navigated unless she shall have in her service and on board such complement of licensed officers and crew as may, in the judgment of the local inspectors who inspect the vessel, be necessary for her safe navigation. The local inspector shall make in the certificate of inspection of the vessel an entry of such complement of officers and crew, which may be changed from time to time by indorsement on such certificate by local inspectors by reason of change of conditions or employment. Such entry or indorsement shall be subject to a right of appeal, under regulations to be made by the Secretary of Commerce and Labor,* to the supervising inspector and from him to the Supervising Inspector-General, who shall have the power to revise, set aside, or affirm the said determination of the local inspectors.

If any such vessel is deprived of the services of any member of

* "Commerce"—Mar. 4, 1913, Sec. 1.

the crew without the consent, fault, or collusion of the master, owner, or any person interested in the vessel, the vessel may proceed on her voyage, if in the judgment of the master she is sufficiently manned for such voyage.

If the master shall fail to explain in writing such deficiency in the crew to the local inspectors within twelve hours of the time of the arrival of the vessel at her destination, he shall be liable to a penalty of fifty dollars. If the vessel shall have been insufficiently manned in the judgment of the local inspectors, the master shall be liable to a penalty of one hundred dollars, or in case of an insufficient number of licensed officers to a penalty of five hundred dollars.

SEC. 2. That this act shall take effect on July first, nineteen hundred and eight.

*MARCH 3, 1913.

S. L. 37, p. 732 (R. S. 4463).

SEC. 4463. *Any vessel of the United States subject to the provisions of this title or to the Inspection laws of the United States shall **not be navigated unless she shall have in her service and on board such complement of licensed officers and crew*** as may, in the judgment of the Local Inspectors who inspect the vessel, be necessary for her safe navigation. The Local Inspectors shall make in the certificate of inspection of the vessel an entry of such complement of officers and crew which may be changed from time to time by indorsement on such certificate by Local Inspectors by reason of change of conditions or employment. Such entry or indorsement shall be subject to a right of appeal, under regulations to be made by the Secretary of Commerce and Labor,**** to the Supervising Inspector and from him to the Supervising Inspector-General, who shall have the power to revise, set aside, or affirm the said determination of the local inspectors. If any such vessel is deprived of the services of any number of the crew without the consent, fault, or collusion of the master, owner, or any person interested in the vessel, the vessel may proceed on her voyage if, in the judgment of the master, she is sufficiently manned for such voyage. *Provided*, That the master shall ship, if obtainable, a number equal to the number of those whose services he has been deprived of by desertion or casualty, who must be of the same grade or of a higher rating with those whose places they fill. If the master

* Word "Any" changed to word "No"—May 11, 1918.

** Word "not" omitted—May 11, 1918.

*** Words "including certificated lifeboat men, separately stated," following the word "crew" wherever it appears—Mar. 4, 1915, Sec. 14.

**** "Commerce"—Mar. 4, 1913, Sec. 1.

shall fail to explain in writing the cause of such deficiency in the crew to the Local Inspectors within twelve hours of the time of the arrival of the vessel at her destination, he shall be liable to a penalty of fifty dollars. If the vessel shall not be manned as provided in this Act, the owner shall be liable to a penalty of one hundred dollars, or, in case of an insufficient number of licensed officers, to a penalty of five hundred dollars.

SEC. 2. That the Board of Local Inspectors shall make an entry in the certificate of inspection of every ocean and coastwise sea-going merchant vessel of the United States propelled by machinery, and every ocean-going vessel carrying passengers, the minimum number of licensed deck officers required for her safe navigation according to the following scale:

That no such vessel shall be navigated unless she shall have on board and in her service one duly licensed master.

That every such vessel of one thousand gross tons and over, propelled by machinery, shall have in her service and on board three licensed mates, who shall stand in three watches while such vessel is being navigated, unless such vessel is engaged in a run of less than 400 miles from the port of departure to the port of final destination, then such vessel shall have two licensed mates; and every vessel of two hundred gross tons and less than one thousand gross tons, propelled by machinery, shall have two licensed mates.

That every such vessel of one hundred gross tons and under two hundred gross tons, propelled by machinery, shall have on board and in her service one licensed mate; but if such vessel is engaged in a trade in which the time required to make the passage from the port of departure to the port of destination exceeds twenty-four hours, then such vessel shall have two licensed mates.

That nothing in this section shall be so construed as to prevent Local Inspectors from increasing the number of licensed officers on any vessel subject to the inspection laws of the United States if, in their judgment, such vessel is not sufficiently manned for her safe navigation: *Provided*, That this section shall not apply to fishing or whaling vessels, yachts, or motor-boats as defined in the Act of June 9, 1910, *or to wrecking vessels.

SEC. 3. That it shall be unlawful for the master, owner, agent, or other person having authority, to permit an officer of any vessel to take charge of the deck watch of the vessel upon leaving or immediately after leaving port, unless such officer shall have had at least six hours off duty within the twelve hours immediately

* Inserted—May 11, 1918.

preceding the time of sailing, and no licensed officer on any ocean or coastwise vessel shall be required to do duty to exceed nine hours of any twenty-four while in port, including the date of arrival, or more than twelve hours of any twenty-four at sea, except in a case of emergency when life or property is endangered. Any violation of this section shall subject the person or persons guilty thereof to a penalty of one hundred dollars.

SEC. 4. That all laws or parts of laws in conflict with this Act are hereby repealed.

R. S. 5344.

Feb. 28, 1871 (Sec. 57), S. L. 16, p. 456.

MISCONDUCT, LOSS OF LIFE, MANSLAUGHTER.

Every captain, engineer, pilot, or other person employed on any steamboat or vessel, by whose misconduct, negligence, or inattention to his duties on such vessel, the life of any person is destroyed, and every owner, inspector, or other public officer, through whose fraud, connivance, misconduct, or violation of law, the life of any person is destroyed, shall be deemed guilty of manslaughter, and, upon conviction thereof before any circuit court of the United States, shall be sentenced to confinement at hard labor for a period of not more than ten years.

*MARCH 4, 1909 (SEC. 282).

S. L. 35, p. 1144 (R. S. 5344).

SEC. 282. Every captain, engineer, pilot, or other person employed on any steamboat or vessel, by whose misconduct, negligence, or inattention to his duties on such vessel the life of any person is destroyed, and every owner, charterer, inspector, or other public officer, through whose fraud, neglect, connivance, misconduct, or violation of law the life of any person is destroyed, shall be fined not more than ten thousand dollars, or imprisoned not more than ten years, or both: *Provided*, That when the owner or charterer of any steamboat or vessel shall be a corporation, any executive officer of such corporation, for the time being actually charged with the control and management of the operation, equipment or navigation of such steamboat or vessel, who has knowingly and willfully caused or allowed such fraud, neglect, connivance, misconduct, or violation of law, by which the life of any person is destroyed, shall be fined not more than ten thousand dollars, or imprisoned not more than ten years, or both.

*MARCH 3, 1891 (SECS. 3, 7, 8).

S. L. 26, p. 831.

OFFICERS, SEAMEN, CADETS, AND APPRENTICES ON VESSELS EMPLOYED IN
MAIL SERVICE.

SEC. 3. The vessels employed in the mail service under the provisions of this Act shall be American-built steamships, owned and officered by American citizens, in conformity with the existing laws, or so owned and officered and registered according to law, and upon each departure from the United States the following proportion of the crew shall be citizens of the United States, to wit: During the first two years of such contract for carrying the mails, one-fourth thereof; during the next three succeeding years, one-third thereof; and during the remaining time of the continuance of such contract at least one-half thereof; and shall be constructed after the latest and most approved types, with all the modern improvements and appliances for ocean steamers.

SEC. 7. The officers of the United States Navy may volunteer for service on said mail vessels, and when accepted by the contractor or contractors, may be assigned to such duty by the Secretary of the Navy whenever in his opinion such assignment can be made without detriment to the service, and while in said employment they shall receive furlough pay from the Government, and such other compensation from the contractor or contractors as may be agreed upon by the parties: *Provided*, That they shall only be required to perform such duties as appertain to the merchant service.

SEC. 8. Said vessels shall take, as cadets or apprentices, one American-born boy, under twenty-one years of age for each one thousand tons gross register, and one for each majority fraction thereof, who shall be educated in the duties of seamanship, rank as petty officers, and receive such pay for their services as may be reasonable.

*AUGUST 18, 1914.

S. L. 38, p. 698.

SUSPENSION OF REQUIREMENT OF CITIZENSHIP.

That the words "not more than five years old at the time they [foreign-built vessels owned by citizens of the United States] apply for registry" in section 5 of the Act entitled "An Act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation and government of the Canal Zone," are hereby repealed.

SEC. 2. That the President of the United States is hereby authorized, whenever in his discretion the needs of foreign commerce may

require, to suspend by order, so far and for such length of time as he may deem desirable, the provisions of law prescribing that all watch officers of vessels of the United States registered for foreign trade shall be citizens of the United States.

Under like conditions, in like manner, and to like extent the President of the United States is also hereby authorized to suspend the provisions of the law requiring survey, inspection, and measurement by officers of the United States of foreign-built vessels admitted to American registry under this Act.

SEC. 3. This Act shall take effect immediately.

MANNING SCALE.

(See also "Licensed Officers.")

*R. S. 4477.

Feb. 28, 1871 (Sec. 6), S. L. 16, p. 446.

WATCHMEN ON PASSENGER STEAMERS.

Every steamer carrying passengers during the night time shall keep a suitable number of watchmen in the cabins, and on each deck, to guard against fire or other dangers, and to give alarm in case of accident or disaster.

*R. S. 4478.

Feb. 28, 1871 (Sec. 6), S. L. 16, p. 446.

PUNISHMENT FOR FAILURE TO KEEP WATCHMEN.

For any neglect to keep the watchmen required by the preceding section, the license of the officer in charge of the vessel for the time being shall be revoked; and every owner of such vessel who neglects or refuses to furnish the number of men necessary to keep watch as required, shall be fined one thousand dollars.

R. S. 4516.

June 7, 1872 (Sec. 14), S. L. 17, p. 265.

LOST SEAMEN MAY BE REPLACED.

In case of desertion, or of casualty resulting in the loss of one or more seamen, the master may ship a number equal to the number of whose services he has been deprived by desertion or casualty, and report the same to the United States consul at the first port at which he shall arrive, without incurring the penalty prescribed by the two preceding sections.

DEC. 21, 1898 (SEC. 1).

S. L. 30, p. 755 (R. S. 4516).

SEC. 4516. In case of desertion or casualty resulting in the loss of one or more seamen, the master must ship, if obtainable, a number equal to the number of those whose services he has been deprived of by desertion or casualty, who must be of the same grade or rating and equally expert with those whose place or position they refill, and report the same to the United States consul at the first port at which he shall arrive, without incurring the penalty prescribed by the two preceding sections. [This section shall not apply to fishing or whaling vessels or yachts, Dec. 21, 1898, sec. 26.]

*MARCH 4, 1915 (SEC. 1).

S. L. 38, p. 1164 (R. S. 4516).

SEC. 4516. In case of desertion or casualty resulting in the loss of one or more of the seamen, the master must ship, if obtainable, a number equal to the number of those whose services he has been deprived of by desertion or casualty, who must be of the same or higher grade or rating with those whose places they fill, and report the same to the United States consul at the first port at which he shall arrive, without incurring the penalty prescribed by the two preceding sections. This section shall not apply to fishing or whaling vessels or yachts.

*MARCH 4, 1915 (SEC. 13).

S. L. 38, p. 1169.

QUALIFICATIONS OF SEAMEN.

No vessel of one hundred tons gross and upward, except those navigating rivers exclusively and the smaller inland lakes and except as provided in Section 1 of this Act, shall be permitted to depart from any port of the United States unless she has on board a crew not less than seventy-five per centum of which, in each department thereof, are able to understand any order given by the officers of such vessel, nor unless forty per centum in the first year, forty-five per centum in the second year, fifty per centum in the third year, fifty-five per centum in the fourth year after the passage of this Act, and thereafter sixty-five per centum of her deck crew, exclusive of licensed officers and apprentices, are of rating not less than able seaman.

Every person shall be rated an able seaman, and qualified for service as such on the seas, who is nineteen years of age or upward, and has had at least three years' service on deck at sea or on the Great Lakes, on a vessel or vessels to which this section applies, including decked

fishing vessels, naval vessels or coast guard vessels; and every person shall be rated an able seaman, and qualified to serve as such on the Great Lakes and on the smaller lakes, bays, or sounds, who is nineteen years of age or upward and has had at least eighteen months' service on deck at sea or on the Great Lakes or on the smaller lakes, bays, or sounds, on a vessel or vessels to which this section applies, including decked fishing vessels, naval vessels, or coast guard vessels; and graduates of school ships approved by and conducted under rules prescribed by the Secretary of Commerce may be rated able seamen after twelve months' service at sea:

Provided, That upon examination, under rules prescribed by the Department of Commerce as to eyesight, hearing, and physical condition, such persons or graduates are found to be competent:

Provided further, That upon examination, under rules prescribed by the Department of Commerce as to eyesight, hearing, physical condition, and knowledge of the duties of seamanship a person found competent may be rated as able seaman after having served on deck twelve months at sea, or on the Great Lakes; but seamen examined and rated able seamen under this proviso shall not in any case compose more than one-fourth of the number of able seamen required by this section to be shipped or employed upon any vessel.

Any person may make application to any Board of Local Inspectors for a certificate of service as able seaman, and upon proof being made to said board by affidavit and examination, under rules approved by the Secretary of Commerce, showing the nationality and age of the applicant and the vessel or vessels on which he has had service and that he is entitled to such certificate under the provisions of this section, the Board of Local Inspectors shall issue to said applicant a certificate of service, which shall be retained by him and be accepted as prima facie evidence of his rating as an able seaman.

Each Board of Local Inspectors shall keep a complete record of all certificates of service issued by them and to whom issued and shall keep on file the affidavits upon which said certificates are issued.

The Collector of Customs may, upon his own motion, and shall, upon the sworn information of any reputable citizen of the United States setting forth that this section is not being complied with, cause a muster of the crew of any vessel to be made to determine the fact; and no clearance shall be given to any vessel failing to comply with the provisions of this section:

Provided, That the Collector of Customs shall not be required to cause such muster of the crew to be made unless said sworn information has been filed with him for at least six hours before the vessel departs, or is scheduled to depart:

Provided, further, That any person that shall knowingly make a false affidavit for such purpose shall be deemed guilty of perjury and upon conviction thereof shall be punished by a fine not exceeding \$500 or by imprisonment not exceeding one year, or by both such fine and imprisonment, within the discretion of the court. Any violation of any provision of this section by the owner, master, or officer in charge of the vessel shall subject the owner of such vessel to a penalty of not less than \$100 and not more than \$500:

And provided further, That the Secretary of Commerce shall make such rules and regulations as may be necessary to carry out the provisions of this section, and nothing herein shall be held or construed to prevent the Board of Supervising Inspectors, with the approval of the Secretary of Commerce, from making rules and regulations authorized by law as to vessels excluded from the operation of this section.

SHIPPING COMMISSIONER.

(See also "Shipping Articles" and "Deceased Seamen.")

R. S. 4501.

June 7, 1872 (Sec. 1), S. L. 17, p. 262; June 9, 1874, S. L. 18, p. 64.

APPOINTMENT OF SHIPPING COMMISSIONER.

The several circuit courts within the jurisdiction of which there is a port of entry which is also a port of ocean navigation, shall appoint a commissioner for each such port which in their judgment may require the same, such commissioners to be termed shipping-commissioners; and may, from time to time, remove from office any commissioner whom the court may have reason to believe does not properly perform his duties, and shall then provide for the proper performance of his duties until another person is duly appointed in his place. Such courts shall regulate the mode of conducting business in the shipping-offices to be established by the shipping-commissioners as hereinafter provided; and shall have full and complete control over the same, subject to the provisions herein contained.

*JUNE 26, 1884 (SEC. 27).

S. L. 23, p. 59 (R. S. 4501).

SEC. 4501. The Secretary of the *Treasury shall appoint a commissioner for each port of entry, which is also a port of ocean navigation, and which, in his judgment, may require the same; such commissioner to be termed a shipping commissioner, and may, from time to time,

remove from office any such commissioner whom he may have reason to believe does not properly perform his duty, and shall then provide for the proper performance of his duties until another person is duly appointed in his place: *Provided*, That Shipping Commissioners now in office shall continue to perform the duties thereof until others shall be appointed in their places. Shipping Commissioners shall monthly render a full, exact, and itemized account of their receipts and expenditures to the Secretary of the *Treasury, who shall determine their compensation, and shall from time to time determine the number and compensation of the clerks appointed by such commissioner, with the approval of the Secretary of the *Treasury, subject to the limitations now fixed by law. The Secretary of the *Treasury shall regulate the mode of conducting business in the shipping offices to be established by the shipping commissioners as hereinafter provided, and shall have full and complete control over the same, subject to the provisions herein contained; and all expenditures by shipping commissioners shall be audited and adjusted in the *Treasury Department in the mode and manner provided for expenditures in the collection of customs. **All fees of Shipping Commissioners shall be paid into the Treasury of the United States and shall constitute a fund which shall be used under the direction of the Secretary of the Treasury to pay the compensation of said Commissioners and their clerks and such other expenses as he may find necessary to ensure the proper administration of their duties.

*"Commerce and Labor"—Feb. 14, 1903, Sec. 10; "Commerce"—Mar. 4, 1913, Sec. 1.

** Fees abolished—June 19, 1886, Sec. 1.

R. S. 4502.

June 7, 1872 (Sec. 2), S. L. 17, p. 262.

BOND AND OATH OF COMMISSIONER.

Every shipping-commissioner so appointed shall give bond to the United States, conditioned for the faithful performance of the duties of his office, for a sum, in the discretion of the circuit judge, of not less than five thousand dollars, with two good and sufficient sureties therefor, to be approved by such judge; and shall take and subscribe the following oath before entering upon the duties of his office: "I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States, and that I will truly and faithfully discharge the duties of a shipping-commissioner to the best of my ability, and according to law." Such oath shall be indorsed on the commission or certificate of appointment, and signed by him, and certified by the officer before whom such oath shall have been taken.

*APRIL 26, 1906.

S. L. 34, p. 137 (R. S. 4502).

SEC. 4502. Every shipping commissioner so appointed shall give bond to the United States, conditioned for the faithful performance of the duties of his office, for a sum, in the discretion of the Secretary of Commerce *and Labor, of not less than five thousand dollars, in such form and with such security as the Secretary of Commerce and Labor shall direct and approve; and shall take and subscribe the oath prescribed by section seventeen hundred and fifty-seven of the Revised Statutes before entering upon the duties of his office: *Provided*, That nothing in this section shall be construed to affect in any respect the liability of principal or sureties on any bond heretofore given by any shipping commissioner.

* Words "and Labor" stricken out—March 4, 1913, Sec. 1.

*R. S. 4503.

June 7, 1872 (Sec. 8), S. L. 17, p. 263.

WHEN OFFICERS OF THE CUSTOMS SHALL ACT AS COMMISSIONERS

In any port in which no shipping-commissioner shall have been appointed, the whole or any part of the business of a shipping-commissioner shall be conducted by the collector or deputy collector of customs of such port; and in respect of such business such custom house shall be deemed a shipping-office, and the collector or deputy collector of customs to whom such business shall be committed, shall, for all purposes, be deemed a shipping-commissioner within the meaning of this Title.

*R. S. 4504.

June 7, 1872 (Sec. 12), S. L. 17, p. 263; Jan. 15, 1873, S. L. 17, p. 410.

* PENALTY FOR UNLAWFULLY ACTING AS COMMISSIONER.

Any person other than a commissioner under this Title, who shall perform or attempt to perform, either directly or indirectly, the duties which are by this Title set forth as pertaining to a shipping-commissioner, shall be liable to a penalty of not more than five hundred dollars. Nothing in this Title, however, shall prevent the owner, or consignee, or master of any vessel except vessels bound from a port in the United States to any foreign port, other than vessels engaged in trade between the United States and the British North American possessions, or the West India Islands, or the republic of Mexico, and vessels of the burden of seventy-five tons or upward bound from a

port on the Atlantic to a port on the Pacific, or vice versa, from performing, himself, so far as his vessel is concerned, the duties of shipping-commissioner under this Title. Whenever the master of any vessel shall engage his crew, or any part of the same, in any collection-district where no shipping-commissioner shall have been appointed, he may perform for himself the duties of such commissioner.

*R. S. 4505.

June 7, 1872 (Sec. 3), S. L. 17, p. 262.

CLERKS OF COMMISSIONER.

Any shipping-commissioner may engage clerks to assist him in the transaction of the business of the shipping-office, at his own proper cost, and may, in case of necessity, depute such clerks to act for him in his official capacity; but the shipping-commissioner shall be held responsible for the acts of every such clerk or deputy, and will be personally liable for any penalties such clerk or deputy may incur by the violation of any of the provisions of this Title; and all acts done by a clerk, as such deputy, shall be as valid and binding as if done by the shipping-commissioner.

*R. S. 4506.

June 7, 1872 (Sec. 3), S. L. 17, p. 262.

SEAL OF COMMISSIONER.

Each shipping-commissioner shall provide a seal with which he shall authenticate all his official acts, on which seal shall be engraved the arms of the United States, and the name of the port or district for which he is commissioned. Any instrument, either printed or written, purporting to be the official act of a shipping-commissioner, and purporting to be under the seal and signature of such shipping-commissioner, shall be received as presumptive evidence of the official character of such instrument, and of the truth of the facts therein set forth.

R. S. 4507.

June 7, 1872 (Sec. 4), S. L. 17, p. 263.

OFFICE OF COMMISSIONER.

Every shipping-commissioner shall lease, rent, or procure, at his own cost, suitable premises for the transaction of business, and for the preservation of the books and other documents connected therewith; and these premises shall be styled the shipping-commissioner's office.

*MARCH 3, 1897 (SEC. 1).

S. L. 29, p. 687 (R. S. 4507).

SEC. 4507. The Secretary of the *Treasury shall assign in public buildings or otherwise procure suitable offices and rooms for the shipment and discharge of seamen, to be known as shipping-commissioners' offices, and shall procure furniture, stationery, printing, and other requisites for the transaction of the business of such offices.

*"Commerce and Labor"—Feb. 14, 1903, Sec. 10; "Commerce"—March 4, 1913, Sec. 1.

*R. S. 4508.

June 7, 1872 (Sec. 4), S. L. 17, p. 263.

DUTIES OF COMMISSIONER.

The general duties of a shipping-commissioner shall be:

First. To afford facilities for engaging seamen by keeping a register of their names and characters.

Second. To superintend their engagement and discharge, in manner prescribed by law.

Third. To provide means for securing the presence on board at the proper times of men who are so engaged.

Fourth. To facilitate the making of apprenticeships to the sea service.

Fifth. To perform such other duties relating to merchant seamen or merchant ships as are now or may hereafter be required by law.

*R. S. 4554.

June 7, 1872 (Sec. 25), S. L. 17, p. 267.

COMMISSIONER TO ACT AS ARBITER.

Every shipping-commissioner shall hear and decide any question whatsoever between a master, consignee, agent, or owner, and any of his crew, which both parties agree in writing to submit to him; and every award so made by him shall be binding on both parties, and shall, in any legal proceedings which may be taken in the matter, before any court of justice, be deemed to be conclusive as to the rights of parties. And any document under the hand and official seal of a commissioner purporting to be such submission or award, shall be prima-facie evidence thereof.

R. S. 4592.

June 7, 1872 (Sec. 5), S. L. 17, p. 263.

FEES OF COMMISSIONER.

*Fees not exceeding the sums specified in the tables marked "C" and "D" in the schedule annexed to this Title, shall be payable upon all engagements and discharges and apprenticeships effected before any shipping-commissioner. Each shipping-commissioner shall cause a scale of the fees payable to be prepared, and to be conspicuously placed in the shipping-office, and may refuse to proceed with any engagement or discharge unless the fees payable thereon are first paid.

* Fees abolished—June 19, 1886, Sec. 1.

R. S. 4593.

June 7, 1872 (Sec. 6), S. L. 17, p. 263.

PAYMENT OF FEES.

*Every owner, consignee, agent, or master of a vessel engaging or discharging any seaman in a shipping-office, or before a shipping-commissioner, shall pay to the shipping-commissioner the whole of the fees hereby made payable in respect of such engagement or discharge; and may, for the purpose of in part reimbursing himself, deduct, in respect to each such engagement or discharge, from the wages of all persons except apprentices, so engaged or discharged, and retain, any sums not exceeding the sums specified in that behalf in the table marked "E" in the schedule annexed to this Title.

* Fees abolished—June 19, 1886, Sec. 1.

*R. S. 4594.

June 7, 1872 (Sec. 66), S. L. 17, p. 277.

LIMIT OF OFFICER'S COMPENSATION.

In no case shall the salary, fees, and emoluments of any officer appointed under this Title be more than five thousand dollars per annum; and any additional fees shall be paid into the Treasury of the United States.

*R. S. 4595.

June 7, 1872 (Sec. 7), S. L. 17, p. 263.

PENALTY FOR TAKING UNLAWFUL FEES.

Every shipping-commissioner, and every clerk or employé in any shipping-office, who demands or receives any remuneration whatever, either directly or indirectly, for hiring or supplying any seaman for any merchant-vessels, excepting the lawful fees payable under this Title, shall, for every such offense, be liable to a penalty of not more than two hundred dollars.

*JUNE 19, 1886 (SEC 1).

S. L. 24, p. 79.

FEES ABOLISHED.

On and after July first, eighteen hundred and eighty-six, no fees shall be charged or collected by collectors or other officers of customs, or by inspectors of steam-vessels or shipping-commissioners, for the following services to vessels of the United States, to wit: Measurement of tonnage and certifying the same; issuing of license or granting of certificate of registry, record, or enrollment, including all indorsements on the same and bond and oath; indorsement of change of master; certifying and receiving manifest, including master's oath and permit; granting permit to vessels licensed for the fisheries to touch and trade; granting certificate of payment of tonnage dues; recording bill of sale, mortgage, hypothecation, or conveyance, or the discharge of such mortgage or hypothecation; furnishing certificate of title; furnishing the crew list, certificate of protection to seamen; bill of health; shipping or discharging of seamen, as provided by Title fifty-three of the Revised Statutes R. S. 4501-4612 and section two of this Act; apprenticing boys to the merchant service; inspecting, examining, and licensing steam-vessels, including inspection certificate and copies thereof; and licensing of master, engineer, pilot, or mate of a vessel; and all provisions of laws authorizing or requiring the collection of fees for such services are repealed, such repeal to take effect July first, eighteen hundred and eighty-six. Collectors or other officers of customs, inspectors of steam-vessels, and shipping-commissioners who are paid wholly or partly by fees shall make a detailed report of such services, and the fees provided by law to the Secretary of the Treasury, under such regulations as that officer may prescribe; and the Secretary of the Treasury shall allow and pay, from any money in the Treasury not otherwise appropriated, said officers such compensation for said services as each would have received prior to the passage of this Act; also such compensation to clerks of shipping-commissioners as would have been paid them had this Act not passed: *Provided*, That such services have, in the opinion of the Secretary of the Treasury, been necessarily rendered.

SHIPPING ARTICLES.

(See also "Shipping Commissioner" and "Scale of Provisions.")

*R. S. 4511.

June 7, 1872 (Sec. 12), S. L. 17, p. 264.

PARTICULARS OF SHIPPING ARTICLES.

The master of every vessel bound from a port in the United States to any foreign port other than vessels engaged in trade between the United States and the British North American possessions, or the West India Islands, or the republic of Mexico, or of any vessel of the burden of seventy-five tons or upward, bound from a port on the Atlantic to a port on the Pacific, or vice versa, shall, before he proceeds on such voyage, make an agreement, in writing or in print, with every seaman whom he carries to sea as one of the crew, in the manner hereinafter mentioned; and every such agreement shall be, as near as may be, in the form given in the table marked A, in the schedule annexed to this Title, and shall be dated at the time of the first signature thereof, and shall be signed by the master before any seaman signs the same, and shall contain the following particulars:

First: The nature and, as far as practicable, the duration of the intended voyage or engagement, and the port or country at which the voyage is to terminate.

Second. The number and description of the crew, specifying their respective employments.

Third. The time at which each seaman is to be on board, to begin work.

Fourth. The capacity in which each seaman is to serve.

Fifth. The amount of wages which each seaman is to receive.

Sixth. A scale of the provisions which are to be furnished to each seaman.

Seventh. Any regulations as to conduct on board, and as to fines, short allowance of provisions, or other lawful punishments for misconduct, which may be sanctioned by Congress, which the parties agree to adopt.

Eighth. Any stipulations in reference to *advance and allotment of wages, or other matters not contrary to law.

* Advance prohibited—June 26, 1884, Sec. 10.

*MARCH 3, 1897 (SEC. 19).

S. L. 29, p. 691.

STIPULATIONS IN SHIPPING ARTICLES.

That article seven of section forty-five hundred and eleven of the Revised Statutes be, and is hereby, amended to read:

"Seventh. Any regulations as to conduct on board and as to fines, short allowances of provisions, or other lawful punishments for misconduct, which may be sanctioned by Congress or authorized by the Secretary of the *Treasury not contrary to or not otherwise provided for by law, which the parties agree to adopt."

*"Commerce and Labor"—Feb. 14, 1903, Sec. 10. "Commerce"—Mar. 4, 1913, Sec. 1.

JAN. 15, 1873.

S. L. 17, p. 410.

SECTION SHALL NOT APPLY TO CERTAIN VESSELS.

That section twelve of the act entitled "An act to authorize the appointment of shipping-commissioners," etc., approved June seven, eighteen hundred and seventy-two, be amended by adding to said section the following proviso: "*Provided further*, That this section shall not apply to masters of vessels when engaged in trade between the United States and the British North American possessions, or the West India Islands, or the Republic of Mexico."

NOTE—The terms of this amendment are included in the reprint of R. S. 4511, page 42.

JUNE 9, 1874.

S. L. 18, p. 64.

NONE OF THE PROVISIONS OF THE SHIPPING-COMMISSIONERS' ACT SHALL APPLY TO VESSELS IN THE COASTWISE OR LAKE-GOING TRADE.

That none of the provisions of an Act entitled "An Act to authorize the appointment of shipping-commissioners by the several circuit courts of the United States to superintend the shipping and discharge of seamen engaged in merchant ships belonging to the United States, and for the further protection of seamen" shall apply to sail or steam vessels engaged in the coastwise trade (except the coastwise trade between the Atlantic and Pacific Coasts), or in the Lake-going trade touching at foreign ports or otherwise, or in the trade between the United States and the British North American possessions, or in any case where the seamen are by custom or agreement entitled to participate in the profits or result of a cruise or voyage.

*JUNE 19, 1886 (SEC. 2).

S. L. 24, p. 80.

SHIPPING-COMMISSIONERS MAY SHIP AND DISCHARGE CREWS IN
COASTWISE TRADE.

That shipping-commissioners may ship and discharge crews for any vessel engaged in the coastwise trade, or the trade between the United States and the Dominion of Canada, or Newfoundland, or the West Indies, or the Republic of Mexico, at the request of the master or owner of such vessel, *the shipping and discharging fees in such cases to be one-half that prescribed by section forty-six hundred and twelve of the Revised Statutes, for the purpose of determining the compensation of shipping-commissioners.

* Fees abolished—June 19, 1886, Sec. 1.

*R. S. 4512.

June 7, 1872 (Sec. 13), S. L. 17, p. 265.

RULES FOR SHIPPING ARTICLES.

The following rules shall be observed with respect to agreements:

First. Every agreement, except such as are otherwise specially provided for, shall be signed by each seaman in the presence of a shipping-commissioner.

Second. When the crew is first engaged the agreement shall be signed in duplicate, and one part shall be retained by the shipping-commissioner, and the other part shall contain a special place or form for the description and signatures of persons engaged subsequently to the first departure of the ship, and shall be delivered to the master.

Third. Every agreement entered into before a shipping-commissioner shall be acknowledged and certified under the hand and official seal of such commissioner. The certificate of acknowledgment shall be indorsed on or annexed to the agreement; and shall be in the following form:

"State of _____. County of _____:

"On this _____ day of _____, personally appeared before me, a shipping-commissioner in and for the said county, A. B., C. D., and E. F., severally known to me to be the same persons who executed the foregoing instrument, who each for himself acknowledged to me that he had read or had heard read the same; that he was by me made acquainted with the conditions thereof, and understood the same; and that, while sober and not in a state of intoxication, he signed it freely and voluntarily, for the uses and purposes therein mentioned."

*R. S. 4513.

June 7, 1872 (Sec. 12), S. L. 17, p. 264; Feb. 27, 1877, S. L. 19, p. 252.

EXCEPTION AS TO SHIPPING ARTICLES.

Section forty-five hundred and eleven shall not apply to masters of vessels where the seamen are by custom or agreement entitled to participate in the profits or result of a cruise or voyage, nor to masters of coastwise nor to masters of lake-going vessels that touch at foreign ports; but seamen may, by agreement, serve on board such vessels a definite time, or, on the return of any vessel to a port in the United States, may reship and sail in the same vessel on another voyage, without the payment of additional fees to the shipping-commissioner, by either the seamen or the master.

*R. S. 4514.

June 7, 1872 (Sec. 14), S. L. 17, p. 265.

PENALTY FOR SHIPPING WITHOUT AGREEMENT.

If any person shall be carried to sea, as one of the crew on board of any vessel making a voyage as hereinbefore specified, without entering into an agreement with the master of such vessel, in the form and manner, and at the place and times in such cases required, the vessel shall be held liable for each such offense to a penalty of not more than two hundred dollars. But the vessel shall not be held liable for any person carried to sea, who shall have secretly stowed away himself without the knowledge of the master, mate, or of any of the officers of the vessel, or who shall have falsely personated himself to the master, mate, or officers of the vessel, for the purpose of being carried to sea.

*R. S. 4515.

June 7, 1872 (Sec. 14), S. L. 17, p. 265.

PENALTY FOR KNOWINGLY SHIPPING SEAMEN WITHOUT ARTICLES.

If any master, mate, or other officer of a vessel knowingly receives, or accepts, to be entered on board of any merchant vessel, any seaman who has been engaged or supplied contrary to the provisions of this Title, the vessel on board of which such seaman shall be found shall, for every such seaman, be liable to a penalty of not more than two hundred dollars.

*R. S. 4517.

June 7, 1872 (Sec. 15), S. L. 17, p. 265.

SHIPPING SEAMEN IN FOREIGN PORTS.

Every master of a merchant-vessel who engages any seaman at a place out of the United States, in which there is a consular officer or commercial agent, shall, before carrying such seaman to sea, procure the sanction of such officer, and shall engage seamen in his presence; and the rules governing the engagement of seamen before a shipping commissioner in the United States, shall apply to such engagements made before a consular officer or commercial agent; and upon every such engagement the consular officer or commercial agent shall indorse upon the agreement his sanction thereof, and an attestation to the effect that the same has been signed in his presence, and otherwise duly made.

*JUNE 26, 1884 (SEC. 19).

S. L. 23, p. 53.

SHIPMENT IN PORT OF UNITED STATES FOR FOREIGN VOYAGE.

That a master of a vessel in the foreign trade may engage a seaman at any port in the United States, in the manner provided by law, to serve on a voyage to any port, or for the round trip from and to the port of departure, or for a definite time, whatever the destination. The master of a vessel making regular and stated trips between the United States and a foreign country may engage a seaman for one or more round trips, or for a definite time, or on the return of said vessel to the United States may reship such seaman for another voyage in the same vessel, in the manner provided by law, without the payment of additional fees to any officer for such reshipment or re-engagement.

*JUNE 26, 1884 (SEC. 20).

S. L. 23, p. 53.

SHIPMENT IN FOREIGN PORT FOR ONE OR MORE ROUND TRIPS.

That every master of a vessel in the foreign trade may engage any seaman at any port out of the United States, in the manner provided by law, to serve for one or more round trips from and to the port of departure, or for a definite time, whatever the destination; and the master of a vessel clearing from a port of the United States with one or more seamen engaged in a foreign port as herein provided shall not be required to reship in a port of the United States the seamen so

engaged, or to give bond, as required by section forty-five hundred and seventy-six of the Revised Statutes, to produce said seamen before a boarding-officer on the return of said vessel to the United States.

*R. S. 4518.

June 7, 1872 (Sec. 15), S. L. 17, p. 265.

PENALTY FOR VIOLATING PRECEDING SECTION.

Every master who engages any seaman in any place in which there is a consular officer or commercial agent, otherwise than as required by the preceding section, shall incur a penalty of not more than one hundred dollars, for which penalty the vessel shall be held liable.

*R. S. 4519.

June 7, 1872 (Sec. 20), S. L. 17, p. 266.

POSTING COPY OF AGREEMENT (FORECASTLE CARD).

The master shall, at the commencement of every voyage or engagement, cause a legible copy of the agreement, omitting signatures, to be placed or posted up in such part of the vessel as to be accessible to the crew; and on default shall be liable to a penalty of not more than one hundred dollars.

*R. S. 4520.

July 20, 1790 (Sec. 1), S. L. 1, p. 131; June 7, 1872 (Sec. 12), S. L. 17, p. 264.

SHIPPING ARTICLES FOR VESSELS IN COASTING TRADE.

Every master of any vessel of the burden of fifty tons or upward, bound from a port in one State to a port in any other than an adjoining State, except vessels of the burden of seventy-five tons or upward, bound from a port on the Atlantic to a port on the Pacific, or vice versa, shall, before he proceeds on such voyage, make an agreement in writing or in print, with every seaman on board such vessel except such as shall be apprentice or servant to himself or owners, declaring the voyage or term of time for which such seaman shall be shipped.

*R. S. 4521.

July 20, 1790 (Sec. 1), S. L. 1, p. 131.

PENALTY FOR SHIPPING WITHOUT ARTICLES.

If any master of such vessel of the burden of fifty tons or upward shall carry out any seaman or mariner, except apprentices or servants, without such contract or agreement being first made and signed by

the seaman, such master shall pay to every such seaman the highest price or wages which shall have been given at the port or place where such seaman was shipped, for a similar voyage, within three months next before the time of such shipping, if such seaman shall perform such voyage; or if not, then for such time as he shall continue to do duty on board such vessel; and shall moreover be liable to a penalty of twenty dollars for every such seaman, recoverable, one-half to the use of the person prosecuting for the same, and the other half to the use of the United States. Any seaman who has not signed such a contract shall not be bound by the regulations nor subject to the penalties and forfeitures contained in this Title.

R. S. 4522.

July 20, 1790 (Sec. 2), S. L. 1, p. 131.

PENALTY FOR OMITTING TO BEGIN VOYAGE.

At the foot of every such contract to ship upon such a vessel of the burden of fifty tons or upward, there shall be a memorandum in writing of the day and the hour on which the seamen who ship and subscribe shall render themselves on board to begin the voyage agreed upon. If any seaman shall neglect to render himself on board the vessel, for which he has shipped, at the time mentioned in such memorandum, and if the master of the vessel shall, on the day on which such neglect happened, make an entry in the log-book of such vessel, of the name of such seaman, and shall in like manner note the time that he so neglected to render himself, after the time appointed, then every such seaman shall forfeit for every hour which he shall so neglect to render himself, one day's pay, according to the rate of wages agreed upon, to be deducted out of his wages. If any such seaman shall wholly neglect to render himself on board of such vessel, or having rendered himself on board, shall afterward desert and escape, so that the vessel proceed to sea without him, he shall be liable to pay to the master, owner, or consignee of the vessel, a sum equal to that paid to him by advance at the time of signing the contract, over and besides the sum so advanced, both which sums shall be recoverable in any court, or before any justice of any State, city, town, or county within the United States, which, by the laws thereof, have cognizance of debts of equal value, against such seaman or mariner, or his surety or sureties, in case he shall have given surety to proceed the voyage.

*DEC. 21, 1898 (SEC. 2).

S. L. 30, p. 755 (R. S. 4522).

At the foot of every such contract to ship upon such a vessel of the burden of fifty tons or upward there shall be a memorandum in writing of the day and the hour when such seaman who shipped and subscribed shall render himself on board to begin the voyage agreed upon. If any seaman shall neglect to render himself on board the vessel for which he shipped at the time mentioned in such memorandum without giving twenty-four hours' notice of his inability to do so, and if the master of the vessel shall, on the day in which such neglect happened, make an entry in the log-book of such vessel of the name of such seaman, and shall in like manner note the time that he so neglected to render himself after the time appointed, then every such seaman shall forfeit for every hour which he shall so neglect to render himself one-half of one day's pay, according to the rate of wages agreed upon, to be deducted out of his wages. If any such seaman shall wholly neglect to render himself on board of such vessel, or having rendered himself on board shall afterward desert, he shall forfeit all of his wages or emoluments which he has then earned. (This section is not applicable to fishing or whaling vessels or yachts.)

*R. S. 4523.

July 20, 1840, S. L. 5, p. 395; June 7, 1872 (Sec. 15), S. L. 17, p. 265.

UNLAWFUL SHIPMENTS VOID.

All shipments of seamen made contrary to the provisions of any act of Congress shall be void; and any seaman so shipped may leave the service at any time, and shall be entitled to recover the highest rate of wages of the port from which the seaman was shipped, or the sum agreed to be given him at his shipment.

*R. S. 4573.

Feb. 28, 1803 (Sec. 1), S. L. 2, p. 203; April 4, 1840 (Sec. 2), S. L. 5, p. 370.

LIST OF CREW TO BE DELIVERED TO COLLECTOR.

Before a clearance is granted to any vessel bound on a foreign voyage or engaged in the whale-fishery, the master thereof shall deliver to the collector of the customs a list containing the names, places of birth and residence, and description of the persons who compose his ship's company; to which list the oath of the captain shall be annexed, that the list contains the names of his crew, together with

the places of their birth and residence, as far as he can ascertain them; and the collector shall deliver him a certified copy thereof, *for which the collector shall be entitled to receive the sum of twenty-five cents.

* Fees abolished—June 19, 1886, Sec. 1.

*R. S. 4574.

March 3, 1813 (Sec. 3), S. L. 2, p. 809.

CERTIFICATE TO LIST.

In all cases of private vessels of the United States sailing from a port in the United States to a foreign port, the list of the crew shall be examined by the collector for the district from which the vessel shall clear, and, if approved of by him, shall be certified accordingly. No person shall be admitted or employed on board of any such vessel unless his name shall have been entered in the list of the crew, approved and certified by the collector for the district from which the vessel shall clear. The collector, before he delivers the list of the crew, approved and certified, to the master or proper officer of the vessel to which the same belongs, shall cause the same to be recorded in a book by him for that purpose to be provided, and the record shall be open for the inspection of all persons, and a certified copy thereof shall be admitted in evidence in any court in which any question may arise under any of the provisions of this Title.

*R. S. 4575.

July 20, 1840, S. L. 5, pp. 394, 395, 397; Feb. 27, 1877, S. L. 19, p. 252.

RULES AS TO LIST OF CREW.

The following rules shall be observed with reference to vessels bound on any foreign voyage:

First. The duplicate list of the ship's company, required to be made out by the master and delivered to the collector of the customs, under section forty-five hundred and seventy-three, shall be a fair copy in one uniform handwriting, without erasure or interlineation.

Second. It shall be the duty of the owners of every such vessel to obtain from the collector of the customs of the district from which the clearance is made, a true and certified copy of the shipping-articles, containing the names of the crew, which shall be written in a uniform hand, without erasures or interlineations.

Third. These documents, which shall be deemed to contain all the conditions of contract with the crew as to their service, pay, voyage, and all other things, shall be produced by the master, and laid before

any consul, or other commercial agent of the United States, whenever he may deem their contents necessary to enable him to discharge the duties imposed upon him by law toward any mariner applying to him for his aid or assistance.

Fourth. All interlineations, erasures, or writing in a hand different from that in which such duplicates were originally made, shall be deemed fraudulent alterations, working no change in such papers, unless satisfactorily explained in a manner consistent with innocent purposes and the provisions of law which guard the rights of mariners.

Fifth. If any master of a vessel shall proceed on a foreign voyage without the documents herein required, or refuse to produce them when required, or to perform the duties imposed by this section, or shall violate the provisions thereof, he shall be liable to each and every individual injured thereby in damages, to be recovered in any court of the United States in the district where such delinquent may reside or be found, and in addition thereto be punishable by a fine of one hundred dollars for each offense.

Sixth. It shall be the duty of the boarding-officer to report all violations of this section to the collector of the port where any vessel may arrive, and the collector shall report the same to the Secretary of the Treasury* and to the United States attorney in his district.

* "Commerce and Labor"—Feb. 14, 1903, Sec. 10. "Commerce"—Mar. 4, 1913, Sec. 1.

R. S. 4576.

Feb. 28, 1803 (Sec. 1), S. L. 2, p. 203.

BOND FOR RETURN OF SEAMEN.

The master of every vessel bound on a foreign voyage or engaged in the whale-fishery, shall enter into bond, with sufficient security, in the sum of four hundred dollars, that he shall exhibit the certified copy of the list of the crew, to the first boarding-officer, at the first port in the United States at which he shall arrive on his return, and also produce the persons named therein to the boarding-officer; whose duty it shall be to examine the men with such list, and to report the same to the collector; and it shall be the duty of the collector at the port of arrival, where the same is different from the port from which the vessel originally sailed, to transmit a copy of the list so reported to him to the collector of the port from which such vessel originally sailed. But such bond shall not be forfeited on account of the master not producing to the first boarding-officer any of the persons contained in the list, who may be discharged in a foreign country with the consent of the consul, vice-consul, commercial agent, or vice-commercial agent there residing, certified in writing, under his hand and official

seal, to be produced to the collector with the other persons composing the crew; nor on account of any such person dying or absconding, or being forcibly impressed into other service, of which satisfactory proof shall be then also exhibited to the collector.

*MARCH 3, 1897 (SEC. 3).

S. L. 29, p. 688 (R. S. 4576).

SEC. 4576. The master of every vessel bound on a foreign voyage or engaged in the whale-fishery shall exhibit the certified copy of the list of the crew to the first boarding-officer at the first port in the United States at which he shall arrive on his return, and also produce the persons named therein to the boarding-officer, whose duty it shall be to examine the men with such list and to report the same to the collector; and it shall be the duty of the collector at the port of arrival, where the same is different from the port from which the vessel originally sailed, to transmit a copy of the list so reported to him to the collector of the port from which such vessel originally sailed. For each failure to produce any person on the certified copy of the list of the crew the master and owner shall be severally liable to a penalty of four hundred dollars, to be sued for, prosecuted, and disposed of in such manner as penalties and forfeitures which may be incurred for offenses against the laws relating to the collection of duties; but such penalties shall not be incurred on account of the master not producing to the first boarding-officer any of the persons contained in the list who may have been discharged in a foreign country with the consent of the consul, vice-consul, commercial agent, or vice-commercial agent there residing, certified in writing, under his hand and official seal, to be produced to the collector with the other persons composing the crew, nor on account of any such person dying or absconding or being forcibly impressed into other service of which satisfactory proof shall also be exhibited to the collector.

*R. S. 4612.

June 7, 1872 (Sec. 65), S. L. 17, p. 277.

DEFINITIONS, SCHEDULE AND TABLES.

In the construction of this Title, every person having the command of any vessel belonging to any citizen of the United States shall be deemed to be the "master" thereof; and every person (apprentices excepted) who shall be employed or engaged to serve in any capacity on board the same shall be deemed and taken to be a "seaman;" and the term "vessel" shall be understood to comprehend every description of vessel navigating on any sea or channel, lake or river, to which the

provisions of this Title may be applicable, and the term "owner" shall be taken and understood to comprehend all the several persons, if more than one, to whom the vessel shall belong.

SCHEDULE.

TABLE A.

FORM OF ARTICLES OF AGREEMENT.

UNITED STATES OF AMERICA.

(Date and place of first signature of agreement, including name of shipping-office) :

It is agreed between the master and seamen or mariners of the _____, of which _____ is at present master, or whoever shall go for master, now bound from the port of _____. _____, to _____, _____ (here the voyage is to be described, and the places named at which the vessel is to touch, or if that cannot be done, the general nature and probable length of the voyage is to be stated).

And the said crew agree to conduct themselves in an orderly, faithful, honest, and sober manner, and to be at all times diligent in their respective duties, and to be obedient to the lawful commands of the said master, or of any person who shall lawfully succeed him, and of their superior officers in everything relating to the vessel, and the stores and cargo thereof, whether on board, in boats, or on shore; and in consideration of which service, to be duly performed, the said master hereby agrees to pay the said crew, as wages, the sums against their names respectively expressed, and to supply them with provisions according to the annexed scale. And it is hereby agreed that any embezzlement, or willful or negligent destruction of any part of the vessel's cargo or stores, shall be made good to the owner out of the wages of the person guilty of the same; and if any person enters himself as qualified for a duty which he proves himself incompetent to perform, his wages shall be reduced in proportion to his incompetency. And it is also agreed that if any member of the crew considers himself to be aggrieved by any breach of the agreement or otherwise, he shall represent the same to the master or officer in charge of the vessel, in a quiet and orderly manner, who shall thereupon take such steps as the case may require. And it is also agreed that (here any other stipulations may be inserted to which the parties agree, and which are not contrary to law).

In witness whereof the said parties have subscribed their names hereto, on the days against their respective signatures mentioned.

Signed by _____, master, on the _____ day of _____, eighteen hundred and _____.

Signature of crew.	Birthplace.	Age.	Height.		Description.		Wages per month.	Wages per run.	* Advance wages.	Amount of *monthly allotment.	Time of service.		*Hospital-money.	Whole wages.	Wages due.	Place and time of entry.	Time at which he is to be on board.	In what capacity.	Shipping-commissioner's signature or initials.	Allotment payable to—	Conduct qualifications.
			Feet.	Inches.	Complexion.	Hair.					Months.	Days.									

* Stricken out June 26, 1884 (Sec. 10).

NOTE.—In the place for signatures and descriptions of men engaged after the first departure of the ship, the entries are to be made as above, except that the signatures of the consul or vice-consul, officer of customs, or witness before whom the man is engaged, is to be substituted for that of the shipping-master.

ACCOUNT OF APPRENTICES ON BOARD.

Christian and surname of apprentice in full.	Date of registry of indenture.	Port at which indenture was registered.	Date of register of assignment.	Port at which assignment was registered.

TABLE B.

CERTIFICATE OF DISCHARGE.

Name and official number of ship.	Port of registry.	Tonnage.	Description of voyage or employment.	Name of seaman.	Place of birth.	Date of birth.	Character.	Declines to give statement of character.	Capacity.	Date of entry.	Date of discharge.	Place of discharge.

I certify that the above particulars are correct, and that the above-named seaman was discharged accordingly.

Dated — day of —, eighteen hundred and —.

(Signed) —, Master.

(Countersigned) —, Seaman.

Given to the above-named seaman in my presence this — day of —, eighteen hundred and —.

(Signed)

—, Shipping-Commissioner.

TABLE C.

FEES (SEAMEN).

Fee payable on engaging crew, for each member of the crew (except apprentices)	\$2.00
Fee payable on discharging crew, for each member of crew discharged	.50

TABLE D.

FEES (APPRENTICES).

For each boy apprenticed to the merchant service, including the indenture	\$5.00
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TABLE E.

REDUCTION FROM WAGES OF SEAMEN.

In partial repayment of the fees payable in Table C, in respect of engagements, from the wages of each member of the crew, twenty-five cents.

In respect of discharges, from the wages of each member of the crew, twenty-five cents.

NOTE.—Collection of fees for shipment and discharge of seamen abolished on and after July 1, 1886, by the Act, June 19, 1886 (Sec. 1).

AUGUST 19, 1890.

S. L. 26, p. 320.

SECTIONS GOVERNING SHIPMENT AND DISCHARGE OF CREWS IN COASTWISE
TRADE, WHEN SHIPPED AND DISCHARGED IN PRESENCE OF
SHIPPING-COMMISSIONER.

That when a crew is shipped by a shipping-commissioner for any American vessel in the coastwise trade, or the trade between the United States and the Dominion of Canada, or Newfoundland, or the West Indies, or Mexico, as authorized by section two of an act approved June nineteenth, eighteen hundred and eighty-six, entitled an act to abolish certain fees for official services to American vessels, and to amend the laws relating to shipping-commissioners, seamen, and owners of vessels, and for other purposes, an agreement shall be made with each seaman engaged as one of such crew, in the same manner and form as is provided by sections forty-five hundred and eleven and forty-five hundred and twelve of the Revised Statutes for the shipment of the crews of other vessels; and the provisions of sections forty-five hundred and twenty-two, forty-five hundred and twenty-four, forty-five hundred and twenty-five, forty-five hundred and twenty-six, forty-five hundred and twenty-seven, forty-five hundred and twenty-eight, forty-

five hundred and fifty-four, forty-five hundred and ninety-six, forty-five hundred and ninety-seven, forty-five hundred and ninety-eight, forty-five hundred and ninety-nine, forty-six hundred and one, forty-six hundred and two, forty-six hundred and three, forty-six hundred and four, forty-six hundred and five, forty-six hundred and ten, and forty-six hundred and twelve of the Revised Statutes shall extend to and embrace such vessels in the coastwise trade and the trade between the United States and the Dominion of Canada, or Newfoundland, or the West Indies, or Mexico, where their crews have been shipped by a shipping-commissioner, to the same extent and with the same force and effect as if said vessels had been mentioned and embraced in the language and terms of said sections.

*FEB. 18, 1895.

S. L. 28, p. 667.

"When a crew is shipped by a shipping-commissioner for any American vessel in the coastwise trade, or the trade between the United States and the Dominion of Canada, or Newfoundland, or the West Indies, or Mexico, as authorized by section two of an Act approved June nineteenth, eighteen hundred and eighty-six, entitled "An Act to abolish certain fees for official services to American vessels, and to amend the laws relating to shipping-commissioners, seamen, and owners of vessels, and for other purposes," an agreement shall be made with each seaman engaged as one of such crew in the same manner as is provided by Sections four thousand five hundred and eleven and four thousand five hundred and twelve of the Revised Statutes,

not however including the sixth, seventh and eighth items of Section four thousand five hundred and eleven; *

and such agreement shall be posted as provided in Section four thousand five hundred and nineteen,

and such seamen shall be discharged and receive their wages as provided by the first clause of Section four thousand five hundred and twenty-nine and also by Sections four thousand five hundred and twenty-six, four thousand five hundred and twenty-seven, four thousand five hundred and twenty-eight, four thousand five hundred and thirty, four thousand five hundred and thirty-five, four thousand five hundred and thirty-six, four thousand five hundred and forty-two, four thousand five hundred and forty-three, four thousand five hundred and forty-four, four thousand five hundred and forty-five, four thousand five hundred and forty-six, four thousand five hundred and forty-seven, four thousand five hundred and forty-nine, four thousand five

* These items subsequently included by Acts March 3, 1897 (Sec. 8); Dec. 21, 1898 (Sec. 23), and March 4, 1915 (Sec. 11).

hundred and fifty, four thousand five hundred and fifty-one, four thousand five hundred and fifty-two, four thousand five hundred and fifty-three and four thousand five hundred and fifty-four of the Revised Statutes;

but in all other respects such shipment of seamen and such shipping agreement shall be regarded as if both shipment and agreement had been entered into between the master of a vessel and a seaman without going before a shipping-commissioner:

Provided, That the clothing of any seaman shall be exempt from attachment, and that any person who shall detain such clothing when demanded by the owner shall be liable to a penalty of not exceeding one hundred dollars."

*MAR. 3, 1897 (SEC. 8).

S. L. 29, p. 689.

That chapter ninety-seven of the laws of eighteen hundred and ninety-five, entitled "An Act to amend an Act entitled 'An Act to amend the laws relative to shipping-commissioners,' approved August nineteenth, eighteen hundred and ninety," is amended by striking therefrom the word "seventh," in the eighteenth line and inserting the words "and four thousand six hundred and two" in the thirty-fourth line after the words "four thousand five hundred and fifty-four."

*APRIL 11, 1904.

S. L. 33, p. 168.

ATTACHMENT OF CLOTHING PROHIBITED.

That so much of the Act approved February 18, 1895, entitled "An Act to amend an Act entitled 'An Act to amend the laws relative to shipping-commissioners,' approved August 19, 1890, and for other purposes" as reads "shall be liable to a penalty of not exceeding \$100" is hereby amended to read "shall be deemed guilty of a misdemeanor, and shall be imprisoned not more than six months or fined not more than \$500, or both."

*AUGUST 21, 1916 (SEC. 9).

S. L. 40, p. 529.

CANAL ZONE IN FOREIGN TRADE.

The laws relating to seamen of vessels of the United States on foreign voyages shall apply to seamen of all vessels of the United States at the Panama Canal Zone, whether such vessels be registered or enrolled and licensed, and the powers in respect of such

seamen of such vessels bestowed by law upon consular officers of the United States in foreign ports and upon shipping-commissioners in ports of the United States are hereby bestowed upon the shipping-commissioner and deputy shipping-commissioners on the Panama Canal Zone.

NOTE—Philippine Islands included in foreign trade by Act, July 1, 1902, S. 84.

ADVANCE AND ALLOTMENT.

R. S. 4531.

June 7, 1872 (Sec. 16), S. L. 17, p. 266.

ALLOTMENT OF WAGES.

All stipulations for the allotment of any part of the wages of a seaman, during his absence, which are made at the commencement of the voyage shall be inserted in the agreement, and shall state the amounts and times of the payments to be made, and the persons to whom such payments are to be made.

R. S. 4532.

June 7, 1872 (Sec. 17), S. L. 17, p. 266.

ADVANCES.

No advance of wages shall be made, or advance security given to any person, but to the seaman himself, or to his wife or mother, and no advance of wages shall be made, or advance security given, unless the agreement contains a stipulation for the same, and an accurate statement of the amount thereof; and no advance wages or advance security shall be given to any seaman, except in the presence of the shipping-commissioner.

R. S. 4533.

June 7, 1872 (Sec. 18), S. L. 17, p. 266.

RECOVERY IN CASE OF UNLAWFUL ADVANCE.

If any advance of wages is made or advance security given to any seaman in any such manner as to constitute a breach of any of the provisions of the two preceding sections, the wages of such seaman shall be recoverable by him, as if no such advance had been made or promised; and in the case of any advance security so given, no person shall be sued thereon, unless he was a party to such breach.

R. S. 4534.

June 7, 1872 (Sec. 19), S. L. 17, p. 266.

DISCOUNT OF ADVANCE SECURITY.

Whenever any advance security is discounted for any seaman, such seaman shall sign or set his mark to a receipt indorsed on the security, stating the sum actually paid or accounted for to him by the person discounting the same; and if the seaman sails in the vessel from the port of departure mentioned in the security, and is then duly earning his wages, or is previously discharged with the consent of the master, but not otherwise, the person discounting the security may, ten days after the final departure of the vessel from the port of departure mentioned in the security, sue for and recover the amount promised by the security, with costs, either from the owner or from any agent who has drawn or authorized the drawing of the security; and in any such proceeding it shall be sufficient for such person to prove that the security was given by the owner or master, or some other authorized agent, and that the same was discounted to and receipted by the seaman; and the seaman shall be presumed to have sailed in the vessel from such port, and to be duly earning his wages, unless the contrary is proved.

R. S. 4609.

June 7, 1872 (Sec. 11), S. L. 17, p. 264.

PENALTY FOR EXTORTION FOR OBTAINING EMPLOYMENT.

If any person shall demand or receive, either directly or indirectly, from any seaman or other person seeking employment as a seaman, or from any person on his behalf, any remuneration whatever other than the fees hereby authorized, for providing him with employment, he shall, for every such offense, be liable to a penalty of not more than one hundred dollars.

JUNE 26, 1884 (SEC. 10).

S. L. 23, p. 53.

ADVANCE ABOLISHED.

That it shall be, and is hereby, made unlawful in any case to pay any seaman wages before leaving the port at which such seaman may be engaged in advance of the time when he has actually earned the same, or to pay such advance wages to any other person, or to pay any person, other than an officer authorized by act of Congress to collect fees for such service, any remuneration for the shipment of

seamen. Any person paying such advance wages or such remuneration shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished by a fine not less than four times the amount of the wages so advanced or remuneration so paid, and may be also imprisoned for a period not exceeding six months, at the discretion of the court. The payment of such advance wages or remuneration shall in no case, except as herein provided, absolve the vessel, or the master or owner thereof, from the payment of wages after the same shall have been actually earned, and shall be no defense to a libel suit, or action for the recovery of such wages: *Provided*, That this section shall not apply to whaling vessels. And *provided further*, That it shall be lawful for any seaman to stipulate in his shipping agreement for an allotment of any portion of the wages which he may earn to his wife, mother, or other relative, but to no other person or corporation. And any person who shall falsely claim such relationship to any seaman in order to obtain wages so allotted shall for every such offense be punishable by a fine of not exceeding five hundred dollars, or imprisonment not exceeding six months, at the discretion of the court. This section shall apply as well to foreign vessels as to vessels of the United States; and any foreign vessel the master, owner, consignee, or agent of which has violated this section, or induced or connived at its violation, shall be refused clearance from any port of the United States.

JUNE 19, 1886 (SEC. 3).

S. L. 24, p. 80.

ALLOTMENT TO ORIGINAL CREDITOR.

That section ten of the Act entitled "An Act to remove certain burdens on the American merchant marine and encourage the American foreign carrying trade, and for other purposes," approved June twenty-six, eighteen hundred and eighty-four, be amended by striking out the words "That it shall be lawful for any seaman to stipulate in his shipping agreement for an allotment of any portion of the wages which he may earn to his wife, mother, or other relative, but to no other person or corporation," and inserting in lieu thereof the following: "That it shall be lawful for any seaman to stipulate in his shipping agreement for an allotment of all or any portion of the wages which he may earn to his wife, mother, or other relative, or to an original creditor in liquidation of any just debt for board or clothing which he may have contracted prior to engagement, not exceeding ten dollars per month for each month of the time usually required for the voyage for which the seaman has shipped, under such regulations as the Secretary of the Treasury may prescribe, but no allot-

ment to any other person or corporation shall be lawful." And said section ten is further amended by striking out all of the last paragraph after the words "vessels of the United States," and inserting in lieu of such words stricken out the following: "And any master, owner, consignee, or agent of any foreign vessel who has violated this section shall be liable to the same penalty that the master, owner, or agent of a vessel of the United States would be for a similar violation."

ACT, DEC. 21, 1898 (SEC. 24).

S. L. 30, p. 763.

ADVANCE AND ALLOTMENT.

(a) It shall be, and is hereby, made unlawful in any case to pay any seaman wages in advance of the time when he has actually earned the same, or to pay such advance wages to any other person. Any person paying such advance wages shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not less than four times the amount of the wages so advanced, and may also be imprisoned for a period not exceeding six months, at the discretion of the court. The payment of such advance wages shall in no case, excepting as herein provided, absolve the vessel or the master or owner thereof from full payment of wages after the same shall have been actually earned, and shall be no defense to a libel, suit, or action for the recovery of such wages. If any person shall demand or receive, either directly or indirectly, from any seaman or other person seeking employment as seaman, or from any person on his behalf, any remuneration whatever for providing him with employment, he shall for every such offense be liable to a penalty of not more than one hundred dollars.

(b) It shall be lawful for any seaman to stipulate in his shipping agreement for an allotment of any portion of the wages which he may earn to his grandparents, parents, wife, sister, or children. But no allotment whatever shall be allowed in the trade between the ports of the United States (except as provided in subdivision c of this section) or in trade between ports of the United States and the Dominion of Canada, Newfoundland, the West Indies and Mexico.

(c) It shall be lawful for any seaman engaged in a vessel bound from a port on the Atlantic to a port on the Pacific or vice versa, or in a vessel engaged in foreign trade, except trade between the United States and the Dominion of Canada or Newfoundland or the West Indies or the Republic of Mexico, to stipulate in his shipping agreement for an allotment of an amount, to be fixed by regulation of the Commissioner of Navigation, with the approval of the Secretary

of the Treasury,* not exceeding one month's wages, to an original creditor in liquidation of any just debt for board or clothing which he may have contracted prior to engagement.

(d) No allotment note shall be valid unless signed by and approved by the shipping-commissioner. It shall be the duty of said commissioner to examine such allotments and the parties to them and enforce compliance with the law. All stipulations for the allotment of any part of the wages of a seaman during his absence which are made at the commencement of the voyage shall be inserted in the agreement, and shall state the amounts and times of the payments to be made and the persons to whom the payments are to be made.

(e) No allotment except as provided for in this section shall be lawful. Any person who shall falsely claim to be such relation as above described of a seaman under this section or shall make a false statement of the nature or amount of any debt claimed to be due from any seaman under this section shall for every such offense be punishable by a fine not exceeding five hundred dollars or imprisonment not exceeding six months, at the discretion of the court.

(f) This section shall apply as well to foreign vessels as to vessels of the United States; and any master, owner, consignee, or agent of any foreign vessel who has violated its provisions shall be liable to the same penalty that the master, owner, or agent of a vessel of the United States would be for a similar violation: *Provided*, That treaties in force between the United States and foreign nations do not conflict.

(g) Under the direction of the Secretary of Commerce and Labor** the Commissioner of Navigation shall make regulations to carry out this section. [This section shall not apply to fishing or whaling vessels or yachts—Dec. 21, 1898, Sec. 26.]

* "Commerce and Labor"—Feb. 14, 1903, Sec. 10; "Commerce"—Mar. 4, 1913, Sec. 1.

** "Commerce"—Mar. 4, 1913, Sec. 1.

APRIL 26, 1904.

S. L. 33, p. 308.

ADVANCE AND ALLOTMENT.

That so much of paragraph (a) of section 24 of the Act approved December 21, 1898, entitled "An Act to amend the laws relating to American seamen, for the protection of such seamen, and to promote commerce," as reads: "If any person shall demand or receive, either directly or indirectly, from any seaman or other person seeking employment as seaman, or from any person on his behalf, any remuneration whatever for providing him with employment, he shall for every such offense be liable to a penalty of not more than \$100," is hereby

amended to read: "If any person shall demand or receive, either directly or indirectly, from any seaman or other person seeking employment as seaman, or from any person on his behalf, any remuneration whatever for providing him with employment, he shall for every such offense be deemed guilty of a misdemeanor and shall be imprisoned not more than six months or fined not more than \$500."

*MARCH 4, 1915 (SEC. 11).

S. L. 38, p. 1168.

ADVANCE AND ALLOTMENT.

SEC. 11. That section twenty-four of the Act entitled "An Act to amend the laws relating to American seamen, for the protection of such seamen, and to promote commerce," approved December twenty-first, eighteen hundred and ninety-eight, be, and is hereby, amended to read as follows:

SEC. 24. That section ten of chapter one hundred and twenty-one of the laws of eighteen hundred and eighty-four, as amended by section three of chapter four hundred and twenty-one of the laws of eighteen hundred and eighty-six, be, and is hereby, amended to read as follows:

SEC. 10 (a) That it shall be, and is hereby, made unlawful in any case to pay any seaman wages in advance of the time when he has actually earned the same, or to pay such advance wages, or to make any order, or note, or other evidence of indebtedness therefor to any other person, or to pay any person, for the shipment of seamen when payment is deducted or to be deducted from a seaman's wages.

Any person violating any of the foregoing provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than \$25 nor more than \$100, and may also be imprisoned for a period of not exceeding six months, at the discretion of the court.

The payment of such advance wages or allotment shall in no case except as herein provided, absolve the vessel or the master or the owner thereof from the full payment of wages after the same shall have been actually earned, and shall be no defense to a libel suit or action for the recovery of such wages.

If any person shall demand or receive, either directly or indirectly, from any seaman or other person seeking employment, as seaman, or from any person on his behalf, any remuneration whatever for providing him with employment, he shall for every such offense be deemed guilty of a misdemeanor and shall be imprisoned not more than six months or fined not more than \$500.

(b) That it shall be lawful for any seaman to stipulate in his shipping agreement for an allotment of any portion of the wages he may earn to his grandparents, parents, wife, sister, or children.

(c) That no allotment shall be valid unless in writing and signed by and approved by the Shipping-Commissioner. It shall be the duty of the said commissioner to examine such allotments and the parties to them and enforce compliance with the law. All stipulations for the allotment of any part of the wages of a seaman during his absence which are made at the commencement of the voyage shall be inserted in the agreement and shall state the amounts and times of the payments to be made and the persons to whom the payments are to be made.

(d) That no allotment except as provided for in this section shall be lawful. Any person who shall falsely claim to be such relation, as above described, of a seaman under this section shall for every such offense be punished by a fine not exceeding \$500 or imprisonment not exceeding six months, at the discretion of the court.

(e) That this section shall apply as well to foreign vessels while in waters of the United States, as to vessels of the United States, and any master, owner, consignee, or agent of any foreign vessel who has violated its provisions shall be liable to the same penalty that the master, owner, or agent of a vessel of the United States would be for a similar violation.

The master, owner, consignee, or agent of any vessel of the United States, or of any foreign vessel seeking clearance from a port of the United States, shall present his Shipping Articles at the office of clearance, and no clearance shall be granted any such vessel unless the provisions of this section have been complied with.

(f) That under the direction of the Secretary of Commerce the Commissioner of Navigation shall make regulations to carry out this section.

FORECASTLES.

AUGUST 5, 1882.

S. L. 22, p. 300 (R. S. 4153).

FORECASTLE SPACE.

That section forty-one hundred and fifty-three of the Revised Statutes of the United States be amended by inserting before the last paragraph thereof, the following words:

That from the gross tonnage of every vessel of the United States there shall be deducted the tonnage of the spaces or compartments

occupied by or appropriated to the use of the crew of the vessel, but the deduction for crew space shall not, in any case, exceed five per centum of the gross tonnage. And in every such vessel propelled by steam or other power requiring engine-room there shall also be deducted from the gross tonnage of the vessel the tonnage of the space or spaces actually occupied by or required to be inclosed for the proper working of the boilers and machinery, including the shaft trunk or alley in screw-steamers, with the addition in the case of vessels propelled with paddle-wheels of fifty per centum, and in the case of vessels propelled by screws of seventy-five per centum of the tonnage of such space, but in no case shall the deductions from the gross tonnage exceed fifty per centum of such tonnage; and the proper deductions from the gross tonnage having been made, the remainder shall be deemed the net or register tonnage of such vessels.

That the register or other official certificate of the tonnage or nationality of a vessel of the United States in addition to what is now required by law to be expressed therein, shall state separately the deductions made from the gross tonnage, and shall also state the net or register tonnage of the vessel. But the outstanding registers or enrollments of vessels of the United States shall not be rendered void by the addition of such new statement of her tonnage, unless voluntarily surrendered, but the same may be added to the outstanding document, or by an appendix thereto, with a certificate of a collector of customs that the original estimate of tonnage is amended.

*MARCH 2, 1895 (SECS. 1, 3).

S. L. 28, p. 741 (R. S. 4153).

That section forty-one hundred and fifty-three of the Revised Statutes of the United States be amended by inserting before the last paragraph thereof the following words:

"That from the gross tonnage of every vessel of the United States there shall be deducted—"

(a) The tonnage of the spaces or compartments occupied by or appropriated to the use of the crew of the vessel. Every place appropriated to the crew of the vessel shall have a space of not less than seventy-two cubic feet and not less than twelve superficial feet, measured on the deck or floor of that place, for each seaman or apprentice lodged therein. Such place shall be securely constructed, properly lighted, drained, and ventilated, properly protected from weather and sea, and as far as practicable properly shut off and protected from the effluvium of cargo or bilge water; and failure to comply with this provision shall subject the owner to a penalty of five hundred dollars. Every place so occupied shall be kept free from goods or stores of any

every steamboat of the United States plying upon the Mississippi River or its tributaries shall furnish an appropriate place for the crew, which shall conform to the requirements of this section so far as they shall be applicable thereto by providing sleeping room in the engine room of the steamboats properly protected from the cold, winds, and rain by means of suitable awnings or screens on either side of the guards or sides and forward, reaching from the boiler deck to the lower or main deck, under the direction and approval of the Supervising Inspector-General of Steam Vessels, and shall be properly heated. Any failure to comply with this section shall subject the owner or owners to a penalty of five hundred dollars.

*MARCH 4, 1915 (SEC. 6).

S. L. 38, p. 1165.

SPACE REQUIRED ON VESSELS BUILT AFTER MARCH 4, 1915.

SEC. 6. That on all merchant vessels of the United States the construction of which shall be begun after the passage of this Act, except yachts, pilot boats, or vessels of less than one hundred tons register, every place appropriated to the crew of the vessel shall have a space of not less than 120 cubic feet and not less than 16 square feet, measured on the floor or deck of that place, for each seaman or apprentice lodged therein, and each seaman shall have a separate berth and not more than one berth shall be placed one above another; such place or lodging shall be securely constructed, properly lighted, drained, heated, and ventilated, properly protected from weather and sea, and, as far as practicable, properly shut off and protected from the effluvium of cargo or bilge water. And every such crew space shall be kept free from goods or stores not being the personal property of the crew occupying said place in use during the voyage.

In addition to the space allotment for lodgings hereinbefore provided, on all merchant vessels of the United States which in the ordinary course of their trade make voyages of more than three days' duration between ports, and which carry a crew of twelve or more seamen, there shall be constructed a compartment, suitably separated from other spaces, for hospital purposes, and such compartment shall have at least one bunk for every twelve seamen, constituting her crew, provided that not more than six bunks shall be required in any case.

Every steamboat of the United States plying upon the Mississippi River or its tributaries shall furnish an appropriate place for the crew, which shall conform to the requirements of this section, so far as they are applicable thereto, by providing sleeping room in the engine-room of such steamboat, properly protected from the cold, wind, and

rain by means of suitable awnings or screens on either side of the guards or sides and forward, reaching from the boiler deck to the lower or main deck, under the direction and approval of the Supervising Inspector-General of Steam Vessels, and shall be properly heated.

All merchant vessels of the United States, the construction of which shall be begun after the passage of this Act having more than ten men on deck must have at least one light, clean, and properly ventilated washing place. There shall be provided at least one washing outfit for every two men of the watch. The washing place shall be properly heated. A separate washing place shall be provided for the fireroom and engine-room men, if their number exceed ten, which shall be large enough to accommodate at least one-sixth of them at the same time, and have hot and cold water supply and a sufficient number of wash basins, sinks, and shower baths.

Any failure to comply with this section shall subject the owner or owners of such vessel to a penalty of not less than \$50 nor more than \$500: *Provided*, That forecastles shall be fumigated at such intervals as may be provided by regulations to be issued by the Surgeon-General of the Public Health Service, with the approval of the Department of Commerce, and shall have at least two exits, one of which may be used in emergencies.

SCALE OF PROVISIONS—SURVEY OF FOOD.

(See also "Shipping Articles" and "Survey of Vessel.")

R. S. 4564.

July 20, 1790 (Sec. 9), S. L. 1, p. 135.

PROVISIONS.

Every vessel belonging to a citizen of the United States, bound on a voyage across the Atlantic Ocean, shall, at the time of leaving the last port from whence she sails, have on board, well secured under deck, at least sixty gallons of water, one hundred pounds of salted flesh meat, and one hundred pounds of wholesome ship-bread, for every person on board such vessel, besides such other provisions, stores, and live stock as shall by the master or passengers be put on board, and in like proportion for shorter or longer voyages.

*DEC. 21, 1898 (SEC. 12).

S. L. 30, p. 758 (R. S. 4564).

COMPENSATION FOR SHORTAGE.

Should any master or owner of any merchant vessel of the United States neglect to provide a sufficient quantity of stores to last for a voyage of ordinary duration to the port of destination, and in consequence of such neglect the crew are compelled to accept a reduced scale, such master or owner shall be liable to a penalty as provided in section forty-five hundred and sixty-eight of the Revised Statutes.

*R. S. 4565.

June 7, 1872 (Sec. 36), S. L. 17, p. 269.

EXAMINATION OF PROVISIONS.

Any three or more of the crew of any merchant vessel of the United States bound from a port in the United States to any foreign port, or being of the burden of seventy-five tons or upward, and bound from a port on the Atlantic to a port on the Pacific, or vice versa, may complain to any officer in command of any of the vessels of the United States Navy, or consular officer of the United States, or shipping-commissioner or chief officer of the customs, that the provisions or water for the use of the crew are, at any time, of bad quality, unfit for use, or deficient in quantity. Such officer shall thereupon examine the provisions or water, or cause them to be examined; and if, on examination, such provisions or water are found to be of bad quality and unfit for use, or to be deficient in quantity, the person making such examination shall certify the same in writing to the master of the ship. If such master does not thereupon provide other proper provisions or water, where the same can be had, in lieu of any so certified to be of a bad quality and unfit for use, or does not procure the requisite quantity of any so certified to be insufficient in quantity, or uses any provisions or water which have been so certified as aforesaid to be of bad quality and unfit for use, he shall, in every such case, be liable to a penalty of not more than one hundred dollars; and upon every such examination the officers making or directing the same shall enter a statement of the result of the examination in the log-book and shall send a report thereof to the district judge for the judicial district embracing the port to which such vessel is bound; and such report shall be received in evidence in any legal proceedings.

R. S. 4566.

June 7, 1872 (Sec. 37), S. L. 17, p. 269.

FORFEITURE FOR FALSE COMPLAINT.

If the officer to whom any such complaint, in regard to the provisions or the water, is made, certifies in such statement that there was no reasonable ground for such complaint, each of the parties so complaining shall be liable to forfeit to the master or owner, out of his wages, a sum not exceeding one week's wages.

*DEC. 21, 1898 (SEC. 13).

S. L. 30, p. 758 (R. S. 4566).

PENALTY FOR UNREASONABLE COMPLAINT.

If the officer to whom any such complaint in regard to the provisions or the water is made certifies in such statement that there was no reasonable ground for such complaint, each of the parties so complaining shall forfeit to the master or owner his share of the expense, if any, of the survey. [This section shall not apply to fishing or whaling vessels or yachts—Dec. 21, 1898, Sec. 26.]

*R. S. 4567.

June 7, 1872 (Sec. 38), S. L. 17, p. 269.

PERMISSION TO ENTER COMPLAINT.

If any seamen, while on board any vessel, shall state to the master that they desire to make complaint, in accordance with the two preceding sections, in regard to the provisions or the water, to a competent officer, against the master, the master shall, if the vessel is then at a place where there is any such officer, so soon as the service of the vessel will permit, and if the vessel is not then at such a place, so soon after her first arrival at such place as the service of the vessel will permit, allow such seamen, or any of them, to go ashore, or shall send them ashore, in proper custody, so that they may be enabled to make such complaint; and shall, in default, be liable to a penalty of not more than one hundred dollars.

R. S. 4568.

June 7, 1872 (Sec. 39), S. L. 17, p. 270.

ALLOWANCE FOR REDUCTION OF PROVISIONS.

If, during a voyage, the allowance of any of the provisions which any seaman has, by his agreement, stipulated for, is reduced, except in accordance with any regulations for reduction by way of punish-

ment, contained in the agreement, and also for any time during which such seaman willfully, and without sufficient cause, refuses or neglects to perform his duty, or is lawfully under confinement for misconduct, either on board or on shore; or if it is shown that any of such provisions are, or have been during the voyage, bad in quality and unfit for use, the seaman shall receive by way of compensation for such reduction or bad quality, according to the time of its continuance, the following sums, to be paid to him in addition to and to be recoverable as wages:

First. If his allowance is reduced by any quantity not exceeding one-third of the quantity specified in the agreement, a sum not exceeding fifty cents a day.

Second. If his allowance is reduced by more than one-third of such quantity, a sum not exceeding one dollar a day.

Third. In respect of bad quality, a sum not exceeding one dollar a day.

But if it is shown to the satisfaction of the court before which the case is tried, that any provisions, the allowance of which has been reduced, could not be procured or supplied in sufficient quantities, or were unavoidably injured or lost, and that proper and equivalent substitutes were supplied in lieu thereof, in a reasonable time, the court shall take such circumstances into consideration, and shall modify or refuse compensation, as the justice of the case may require.

*DEC. 21, 1898 (SEC. 14).

S. L. 30, p. 758 (R. S. 4568).

If, during a voyage, the allowance of any of the provisions which any seaman is entitled to under section forty-six hundred and twelve of the Revised Statutes is reduced except for any time during which such seaman willfully and without sufficient cause refuses or neglects to perform his duty, or is lawfully under confinement for misconduct either on board or on shore; or if it shall be shown that any of such provisions are, or have been during the voyage, bad in quality or unfit for use, the seaman shall receive, by way of compensation for such reduction or bad quality, according to the time of its continuance, the following sums, to be paid to him in addition to and to be recoverable as wages:

First. If his allowance is reduced by any quantity not exceeding one-third of the quantity specified by law, a sum not exceeding fifty cents a day.

Second. If his allowance is reduced by more than one-third of such quantity, a sum not exceeding one dollar a day.

Third. In respect to bad quality, a sum not exceeding one dollar a day.

But if it is shown to the satisfaction of the court before which the case is tried that any provisions, the allowance of which has been reduced, could not be procured or supplied in sufficient quantities, or were unavoidably injured or lost, or if by reason of its innate qualities any article becomes unfit for use and that proper and equivalent substitutes were supplied in lieu thereof, the court shall take such circumstances into consideration and shall modify or refuse compensation, as the justice of the case may require. [This section shall not apply to fishing or whaling vessels or yachts—Dec. 21, 1898, Sec. 26.]

*R. S. 4571.

June 7, 1872 (Sec. 42), S. L. 17, p. 270.

WEIGHTS AND MEASURES.

Every master shall keep on board proper weights and measures for the purpose of determining the quantities of the several provisions and articles served out, and shall allow the same to be used at the time of serving out such provisions and articles, in the presence of a witness, whenever any dispute arises about such quantities, and in default shall, for every offense, be liable to a penalty of not more than fifty dollars.

R. S. 4612.

June 7, 1872 (Sec. 65), S. L. 17, p. 277.

SCALE OF PROVISIONS TO BE ALLOWED.

	Bread	Beef	Fork	Flour	Peas	Rice	Barley	Tea	Coffee	Sugar	Water
	Lbs.	Lbs.	Lbs.	Lbs.	Pts.	Pts.	Pts.	Ozs.	Ozs.	Ozs.	Qts.
Sunday	1	1½	.....	½	.....	.....	.....	⅛	½	1	3
Monday	1	.....	1¼	.....	⅓	.....	.....	⅛	½	1	3
Tuesday	1	1½	.....	½	.....	.....	.....	⅛	½	1	3
Wednesday	1	.....	1¼	.....	⅓	.....	.....	⅛	½	1	3
Thursday	1	1½	.....	½	.....	.....	.....	⅛	½	1	3
Friday	1	.....	1¼	.....	⅓	.....	.....	⅛	½	1	3
Saturday	1	1½	.....	.....	.....	.....	.....	⅛	½	1	3

(Here any stipulation for changes, or substitution of one article for another, may be inserted.)

SUBSTITUTES.

One ounce of coffee, or cocoa, or chocolate, may be substituted for one-quarter ounce of tea; molasses for sugar, the quantity to be one-half more; one pound of potatoes or yams, one-half pound flour or rice; one-third pint of pease or one-quarter pint of barley may be substituted for each other. When fresh meat is issued, the proportion to

be two pounds per man per day, in lieu of salt meat. Flour, rice, and pease, beef and pork, may be substituted for each other, and, for potatoes, onions may be substituted.

*DEC. 21, 1898 (SEC. 23).

S. L. 30, p. 762 (R. S. 4612).

ARTICLES TO BE SUPPLIED, AND SUBSTITUTES THEREFOR.

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Water	4	4	4	4	4	4	4
Biscuit	$\frac{1}{2}$	$\frac{1}{2}$	$\frac{1}{2}$	$\frac{1}{2}$	$\frac{1}{2}$	$\frac{1}{2}$	$\frac{1}{2}$
Beef, salt			$1\frac{1}{4}$	$1\frac{1}{4}$	$1\frac{1}{4}$	$1\frac{1}{4}$	$1\frac{1}{4}$
Pork, salt		1	1	1	1	1	1
Flour	$\frac{1}{2}$		$\frac{1}{2}$	$\frac{1}{2}$	$\frac{1}{2}$		
Canned meat	1		1	1	1		
Fresh bread	$1\frac{1}{2}$	$1\frac{1}{2}$	$1\frac{1}{2}$	$1\frac{1}{2}$	$1\frac{1}{2}$	$1\frac{1}{2}$	$1\frac{1}{2}$
Fish, dry, preserved, or fresh						1	
Potatoes or yams	1	1	1	1	1	1	1
Canned potatoes	$\frac{1}{2}$					$\frac{1}{2}$	
Peas			$\frac{1}{3}$			$\frac{1}{3}$	
Beans		$\frac{1}{3}$		$\frac{1}{3}$			$\frac{1}{3}$
Rice		$\frac{1}{3}$					$\frac{1}{3}$
Coffee (green berry)	$\frac{3}{4}$	$\frac{3}{4}$	$\frac{3}{4}$	$\frac{3}{4}$	$\frac{3}{4}$	$\frac{3}{4}$	$\frac{3}{4}$
Tea	$\frac{1}{8}$	$\frac{1}{8}$	$\frac{1}{8}$	$\frac{1}{8}$	$\frac{1}{8}$	$\frac{1}{8}$	$\frac{1}{8}$
Sugar	3	3	3	3	3	3	3
Molasses	$\frac{1}{2}$		$\frac{1}{2}$		$\frac{1}{2}$		
Dried fruit	3		3		3		
Pickles		$\frac{1}{4}$		$\frac{1}{4}$		$\frac{1}{4}$	
Vinegar			$\frac{1}{2}$				$\frac{1}{2}$
Corn meal	4				4		
Onions	4				4		4
Lard	1	1	1	1	1	1	1
Butter	1	1	1	1	1	1	1
Mustard, pepper, and salt sufficient for seasoning							

SUBSTITUTES.

One pound of flour daily may be substituted for the daily ration of biscuit or fresh bread: two ounces of desiccated vegetables for one pound of potatoes or yams: six ounces of hominy, oatmeal, or cracked wheat, or two ounces of tapioca, for six ounces of rice: six ounces of canned vegetables for one-half pound of canned tomatoes: one-eighth of an ounce of tea for three-fourths of an ounce of coffee: three-fourths of an ounce of coffee for one-eighth of an ounce of tea: six ounces of canned fruit for three ounces of dried fruit: one-half ounce of lime juice for the daily ration of vinegar: four ounces of oatmeal or cracked wheat for one-half pint of corn meal: two ounces of pickled onions for four ounces of fresh onions.

When the vessel is in port and it is possible to obtain the same, one-and-one-half pounds of fresh meat shall be substituted for the daily rations of salt and canned meat: one-half pound of green cabbage for one ration of canned tomatoes: one-half pound of fresh fruit for one ration of dried fruit. Fresh fruit and vegetables shall be

served while in port if obtainable. The seamen shall have the option of accepting the fare the master may provide, but the right at any time to demand the foregoing scale of provisions. The foregoing scale of provisions shall be inserted in every article of agreement, and shall not be reduced by any contract, except as above, and a copy of the same shall be posted in a conspicuous place in the galley and in the forecastle of each vessel. [Fishing or whaling vessels or yachts exempt—Dec. 21, 1898, Sec. 26.]

*MARCH 4, 1915 (SEC. 10).

S. L. 38, p. 1168 (R. S. 4612).

SCALE OF PROVISIONS.

That section twenty-three of the Act entitled "An Act to amend the laws relating to American seamen, for the protection of such seamen, and to promote commerce," approved December twenty-first, eighteen hundred and ninety-eight, be, and is hereby, amended as regards the items of water and butter, so that in lieu of a daily requirement of four quarts of water there shall be a requirement of five quarts of water every day, and in lieu of a daily requirement of one ounce of butter there shall be a requirement of two ounces of butter every day.

SURVEY OF VESSEL.

R. S. 4556.

July 20, 1790 (Sec. 3). S. L. 1, p. 132.

COMPLAINT THAT VESSEL IS UNSEAWORTHY.

If the mate or first officer under the master, and a majority of the crew of any vessel, bound on a voyage to any foreign port, shall, after the voyage is begun, and before the vessel shall have left the land, discover that the vessel is too leaky, or is otherwise unfit in her crew, body, tackle, apparel, furniture, provisions, or stores, to proceed on the intended voyage, and shall require such unfitness to be inquired into, the master shall, upon the request of the mate or other officer and such majority, forthwith proceed to or stop at the nearest or most convenient port or place where such inquiry can be made, and shall there apply to the judge of the district court of that judicial district, if he shall there reside, or if not, to some justice of the peace of the city, town, or place, taking with him two or more of the crew who shall have made such request.

R. S. 4557.

July 20, 1790 (Sec. 3). S. L. 1, p. 132.

PROCEEDINGS UPON EXAMINATION OF VESSEL.

The judge or justice shall, upon such application of the master or commander, issue his precept directed to three persons in the neighborhood, the most skillful in maritime affairs that can be procured, requiring them to repair on board such vessel, and to examine the same in respect to the defects and insufficiencies complained of, and to make report to him, the judge or justice, as the case may be, in writing under their hands, or the hands of two of them, whether in any or in what respect the vessel is unfit to proceed on the intended voyage, and what addition of men, provisions, or stores, or what repairs or alterations in the body, tackle, or apparel will be necessary; and upon such report the judge or justice shall adjudge, and shall indorse on the report his judgment, whether the vessel is fit to proceed on the intended voyage; and if not, whether such repairs can be made or deficiencies supplied where the vessel then lies, or whether it is necessary for her to return to the port from whence she first sailed, to be there refitted; and the master and crew shall in all things conform to the judgment. The master or commander shall, in the first instance, pay all the costs of such view, report, and judgment, to be taxed and allowed on a fair copy thereof, certified by the judge or justice. But if the complaint of the crew shall appear, upon the report and judgment, to have been without foundation, the master or commander, or the owner or consignee of such vessel, shall deduct the amount thereof, and of reasonable damages for the detention, to be ascertained by the judge or justice, out of the wages growing due to the complaining seamen.

*DEC. 21, 1898 (SEC. 7).

S. L. 30, p. 757 (R. S. 4556).

If the first and second officers under the master or a majority of the crew of any vessel bound on any voyage shall, before the vessel shall have left the harbor, discover that the vessel is too leaky or is otherwise unfit in her crew, body, tackle, apparel, furniture, provisions, or stores to proceed on the intended voyage, and shall require such unfitness to be inquired into, the master shall, upon the request of the first and second officers under the master or such majority of the crew, forthwith apply to the judge of the district court of that judicial district, if he shall there reside, or if not, to some justice of the peace of the city, town, or place, for the appointment of surveyors, as in section forty-five hundred and fifty-seven provided, taking with him

two or more of the crew who shall have made such request; and any master refusing or neglecting to comply with these provisions shall be liable to a penalty of five hundred dollars. [This section shall not apply to fishing or whaling vessels or yachts—Dec. 21, 1898, Sec. 26.]

*DEC. 21, 1898 (SEC. 8).

S. L. 30, p. 757 (R. S. 4557).

The judge, or justice, in a domestic port, shall, upon such application of the master or commander, issue his precept, directed to three persons in the neighborhood, the most experienced and skillful in maritime affairs that can be procured; and whenever such complaint is about the provisions one of such surveyors shall be a physician or a surgeon of the Public Health and Marine Hospital Service, if such service is established at the place where the complaint is made. It shall be the duty of such surveyors to repair on board such vessel and to examine the same in respect to the defects and insufficiencies complained of, and make reports to the judge, or justice, as the case may be, in writing, under their hands or the hands of two of them, whether in any or in what respect the vessel is unfit to proceed on the intended voyage, and what addition of men, provisions, or stores, or what repairs or alterations in the body, tackle, or apparel will be necessary; and upon such report the judge or justice shall adjudge and shall indorse on his report his judgment whether the vessel is fit to proceed on the intended voyage, and, if not, whether such repairs can be made or deficiencies supplied where the vessel then lies, or whether it is necessary for her to proceed to the nearest or most convenient place where such supplies can be made or deficiencies supplied; and the master and the crew shall, in all things, conform to the judgment. The master or commander shall, in the first instance, pay all the costs of such review, report, or judgment, to be taxed and allowed on a fair copy thereof, certified by the judge or justice. But if the complaint of the crew shall appear upon the report and judgment to have been without foundation, the master or commander, or the owner or consignee of such vessel, shall deduct the amount thereof, and of reasonable damages for the detention, to be ascertained by the judge or justice, out of the wages of the complaining seamen. [This section shall not apply to fishing or whaling vessels or yachts—Dec. 21, 1898, Sec. 26.]

R. S. 4558.

July 20, 1790 (Sec. 3). S. L. 1, p. 132.

PENALTY FOR REFUSAL TO PROCEED WHEN VESSEL FOUND SEAWORTHY.

If after judgment that such vessel is fit to proceed on her intended voyage, or after procuring such men, provisions, stores, repairs, or

alterations as may be directed, the seamen, or either of them, shall refuse to proceed on the voyage, it shall be lawful for any iustice of the peace to commit, by warrant under his hand and seal, every such seaman who refuses to the common jail of the county, there to remain without bail or mainprise until he has paid double the sum advanced to him at the time of subscribing the contract for the voyage, together with such reasonable costs as are allowed by the justice, and inserted in the warrant; and the sureties of such seaman, in case he has given any, shall remain liable for such payment; nor shall any such seaman be discharged upon any writ of habeas corpus or otherwise, for want of any form of commitment, or other previous proceedings, until such sum is paid by him or his surety, if sufficient matter be made to appear, upon the return of such habeas corpus, and an examination then had, to detain him for the causes hereinbefore assigned.

*DEC. 21, 1898 (SEC. 9).

S. L. 30, p. 757 (R. S. 4558).

PENALTY FOR REFUSING TO PROCEED TO SEA AFTER SURVEY.

If, after judgment that such vessel is fit to proceed on her intended voyage, or after procuring such men, provisions, stores, repairs, or alterations as may be directed, the seamen, or either of them, shall refuse to proceed on the voyage, he shall forfeit any wages that may be due him. [This section shall not apply to fishing or whaling vessels or yachts—Dec. 21, 1898, Sec. 26.]

R. S. 4559.

July 20, 1840, S. L. 5, p. 396; July 29, 1850, S. L. 9, p. 441.

APPOINTMENT OF INSPECTORS BY CONSUL IN FOREIGN PORT.

Upon a complaint in writing, signed by the first, or the second and third officers and a majority of the crew, of any vessel while in a foreign port, that such vessel is in an unsuitable condition to go to sea, because she is leaky, or insufficiently supplied with sails, rigging, anchors, or any other equipment, or that the crew is insufficient to man her, or that her provisions, stores, and supplies are not, or have not been, during the voyage, sufficient and wholesome, thereupon, in any of these or like cases, the consul or a commercial agent who may discharge any duties of a consul, shall appoint two disinterested, competent, practical men, acquainted with maritime affairs, to examine into the causes of complaint, who shall, in their report, state what defects and deficiencies, if any, they find to be well founded, as well as what, in their judgment, ought to be done to put the vessel in order for the continuance of her voyage.

DEC. 21, 1898 (SEC. 10).

S. L. 30, p. 757 (R. S. 4559).

Upon a complaint in writing, signed by the first or second officer and a majority of the crew of any vessel while in a foreign port, that such vessel is in an unsuitable condition to go to sea because she is leaky or insufficiently supplied with sails, rigging, anchors, or any other equipment, or that the crew is insufficient to man her, or that her provisions, stores, and supplies are not, or have not been during the voyage, sufficient and wholesome; thereupon, in any of these or like cases, the consul, or a commercial agent who may discharge any duties of a consul, shall cause to be appointed three persons, of like qualifications with those described in section forty-five hundred and fifty-seven, who shall proceed to examine into the causes of complaint, and they shall be governed in all their proceedings and proceed as provided in section forty-five hundred and fifty-seven. [This section shall not apply to fishing or whaling vessels or yachts—Dec. 21, 1898, Sec. 26.]

*MARCH 4, 1915 (SEC. 5).

S. L. 38, p. 1165 (R. S. 4559).

"SEC. 4559. Upon a complaint in writing, signed by the first and second officers or a majority of the crew of any vessel, while in a foreign port, that such vessel is in an unsuitable condition to go to sea because she is leaky or insufficiently supplied with sails, rigging, anchors, or any other equipment, or that the crew is insufficient to man her, or that her provisions, stores and supplies are not or have not been during the voyage sufficient or wholesome, thereupon, in any of these or like cases the consul or a commercial agent who may discharge any of the duties of a consul shall cause to be appointed three persons of like qualifications with those described in section forty-five hundred and fifty-seven, who shall proceed to examine into the cause of complaint and who shall proceed and be governed in all their proceedings as provided by said section."

*R. S. 4560.

July 20, 1840. S. L. 5, p. 396.

REPORT OF INSPECTORS.

The inspectors appointed by any consul or commercial agent, in pursuance of the preceding section, shall have full power to examine the vessel and whatever is aboard of her, so far as is pertinent to their inquiry, and also to hear and receive any other proofs which

the ends of justice may require; and if, upon a view of the whole proceedings, the consul or other commercial agent is satisfied therewith, he may approve the whole or any part of the report, and shall certify such approval; or if he desires, he shall certify his reasons for dissenting.

R. S. 4561.

July 20, 1840. S. L. 5, p. 396.

DISCHARGE OF SEAMEN ON ACCOUNT OF UNSEAWORTHINESS OF VESSEL.

The inspectors in their report shall also state whether, in their opinion, the vessel was sent to sea unsuitably provided in any important or essential particular, by neglect or design, or through mistake or accident, and in case it was by neglect or design, and the consul or other commercial agent approves of such finding, he shall discharge such of the crew as require it, each of whom shall be entitled to three months' pay in addition to his wages to the time of discharge; but if, in the opinion of the inspectors, the defects or deficiencies found to exist have been the result of mistake or accident, and could not, in the exercise of ordinary care,* have been known and provided against before the sailing of the vessel, and the master shall, in a reasonable time, remove or remedy the causes of complaint, then the crew shall remain and discharge their duty; otherwise they shall, upon their request, be discharged, and receive each one month's wages in addition to their pay up to the time of discharge.

JUNE 26, 1884 (SEC. 4).

S. L. 23, p. 53 (R. S. 4561).

SEC. 4561. The inspectors in their report shall also state whether, in their opinion, the vessel was sent to sea unsuitably provided in any important or essential particular, by neglect or design, or through mistake or accident; and in case it was by neglect or design, and the consular officer approves of such finding, he shall discharge such of the crew as request it, and shall require the payment by the master of one month's wages for each seaman over and above the wages then due. But if, in the opinion of the inspectors, the defects or deficiencies found to exist have been the result of mistake or accident, and could not, in the exercise of ordinary care, have been known and provided against before the sailing of the vessel, and the master shall, in a reasonable time, remove or remedy the causes of complaint, then the crew shall remain and discharge their duty.

*DEC. 21, 1898 (SEC. 11).

S. L. 30, p. 758 (R. S. 4561).

The inspectors in their report shall also state whether in their opinion the vessel was sent to sea unsuitably provided in any important or essential particular, by neglect or design, or through mistake or accident; and in case it was by neglect or design, and the consular officer approves of such finding, he shall discharge such of the crew as request it, and shall require the payment by the master of one month's wages for each seaman over and above the wages then due, or sufficient money for the return of such of the crew as desire to be discharged to the nearest and most convenient port of the United States, or by furnishing the seamen who so desire to be discharged with employment on a ship agreed to by them. But if in the opinion of the inspectors the defects or deficiencies found to exist have been the result of mistake or accident, and could not, in the exercise of ordinary care, have been known and provided against before the sailing of the vessel, and the master shall in a reasonable time remove or remedy the causes of complaint, then the crew shall remain and discharge their duty. [This section shall not apply to fishing or whaling vessels or yachts—Dec. 21, 1898, Sec. 26.]

*R. S. 4562.

July 20, 1840. S. L. 5, p. 396.

PAYMENT OF CHARGES FOR INSPECTION.

The master shall pay all such reasonable charges for inspection under such complaint as shall be officially certified to him under the hand of the consul or commercial agent; but in case the inspectors report that the complaint is without any good and sufficient cause, the master may retain from the wages of the complainants, in proportion to the pay of each, the amount of such charges, with such reasonable damages for detention on that account as the consul or commercial agent directing the inquiry may, officially certify.

*R. S. 4563.

July 20, 1840. S. L. 5, p. 397.

REFUSAL TO PAY WAGES AND CHARGES; DAMAGES; PENALTY.

Every master who refuses to pay such wages and charges shall be liable to each person injured thereby in damages, to be recovered in any court of the United States in the district where such delinquent may reside or be found, and in addition thereto be punishable by a fine of one hundred dollars for each offense.

PART TWO

DISCHARGE AND PAYMENT OF WAGES.

(Sec also "Duties of Consuls" and "Discharge in Foreign Port.")

*R. S. 4524.

June 7, 1872 (Sec. 30), S. L. 17, p. 268.

COMMENCEMENT OF WAGES.

A seaman's right to wages and provisions shall be taken to commence either at the time at which he commences work, or at the time specified in the agreement for his commencement of work or presence on board, whichever first happens.

*R. S. 4525.

June 7, 1872 (Sec. 32), S. L. 17, p. 268.

WAGES NOT DEPENDENT ON FREIGHT.

No right to wages shall be dependent on the earning of freight by the vessel; but every seaman or apprentice who would be entitled to demand and receive any wages if the vessel on which he has served had earned freight, shall, subject to all other rules of law and conditions applicable to the case, be entitled to claim and recover the same of the master or owner in personam, notwithstanding that freight has not been earned. But in all cases of wreck or loss of vessel, proof that any seaman or apprentice has not exerted himself to the utmost to save the vessel, cargo, and stores, shall bar his claim.

R. S. 4526.

June 7, 1872 (Sec. 33), S. L. 17, p. 269.

TERMINATION OF WAGES BY LOSS OF VESSEL.

In cases where the service of any seaman terminates before the period contemplated in the agreement, by reason of the wreck or loss of the vessel, such seaman shall be entitled to wages for the time of service prior to such termination, but not for any further period.

*DEC. 21, 1898 (SEC. 3).

S. L. 30, p. 755 (R. S. 4526.)

SEC. 4526. In cases where the service of any seaman terminates before the period contemplated in the agreement, by reason of the loss or wreck of the vessel, such seaman shall be entitled to wages

for the time of service prior to such termination, but not for any further period. Such seaman shall be considered as a destitute seaman and shall be treated and transported to port of shipment as provided in sections forty-five hundred and seventy-seven, forty-five hundred and seventy-eight, and forty-five hundred and seventy-nine of the Revised Statutes of the United States. [This section shall not apply to fishing or whaling vessels or yachts—Dec. 21, 1898, Sec. 26.]

*R. S. 4527.

June 7, 1872 (Sec. 21), S. L. 17, p. 266.

WAGES IN CASE OF IMPROPER DISCHARGE.

Any seaman who has signed an agreement and is afterward discharged before the commencement of the voyage or before one month's wages are earned, without fault on his part justifying such discharge, and without his consent, shall be entitled to receive from the master or owner, in addition to any wages he may have earned, a sum equal in amount to one month's wages as compensation, and may, on adducing evidence satisfactory to the court hearing the case, of having been improperly discharged, recover such compensation as if it were wages duly earned.

*R. S. 4528.

June 7, 1872 (Sec. 34), S. L. 17, p. 269.

SUSPENSION OF WAGES.

No seaman or apprentice shall be entitled to wages for any period during which he unlawfully refuses or neglects to work when required, after the time fixed by the agreement for him to begin work, nor, unless the court hearing the case otherwise directs, for any period during which he is lawfully imprisoned for any offense committed by him.

R. S. 4529.

July 20, 1790 (Sec. 6), S. L. 1, p. 133; June 7, 1872 (Sec. 35), S. L. 17, p. 269.

TIME FOR PAYMENT.

The master or owner of every vessel making voyages from a port on the Atlantic to a port on the Pacific, or vice versa, shall pay to every seaman his wages, within two days after the termination of the agreement, or at the time such seaman is discharged, whichever

first happens; and, in the case of vessels making foreign voyages, within three days after the cargo has been delivered, or within five days after the seaman's discharge, whichever first happens; and in all cases the seaman shall, at the time of his discharge, be entitled to be paid, on account, a sum equal to one-fourth part of the balance due to him. Every master or owner who neglects or refuses to make payment in manner hereinbefore mentioned, without sufficient cause, shall pay to the seaman a sum not exceeding the amount of two days' pay for each of the days, not exceeding ten days, during which payment is delayed beyond the respective periods; which sum shall be recoverable as wages in any claim made before the court. But this section shall not apply to the masters or owners of any vessel the seamen on which are entitled to share in the profits of the cruise or voyage.

DEC. 21, 1898 (SEC. 4).

S. L. 30, p. 756 (R. S. 4529).

SEC. 4529. The master or owner of any vessel making coasting voyages shall pay to every seaman his wages within two days after the termination of the agreement under which he shipped, or at the time such seaman is discharged, whichever first happens; and in the case of vessels making foreign voyages, or from a port on the Atlantic to a port on the Pacific, or vice versa, within twenty-four hours after the cargo has been discharged, or within four days after the seaman has been discharged, whichever first happens; and in all cases the seaman shall, at the time of his discharge, be entitled to be paid, on account of wages, a sum equal to one-third part of the balance due him. Every master or owner who refuses or neglects to make payment in manner hereinbefore mentioned without sufficient cause shall pay to the seaman a sum equal to one day's pay for each and every day during which payment is delayed beyond the respective periods, which sum shall be recoverable as wages in any claim made before the court; but this section shall not apply to the masters or owners of any vessel the seamen on which are entitled to share in the profits of the cruise or voyage. [This section shall not apply to fishing or whaling vessels or yachts—Dec. 21, 1898, Sec. 26—but this section shall apply to all vessels engaged in the taking of oysters—June 28, 1906, Sec. 4.]

*MARCH 4, 1915 (SEC. 3).

S. L. 38, p. 1164 (R. S. 4529).

SEC. 4529. The master or owner of any vessel making coasting voyages shall pay to every seaman his wages within two days after

the termination of the agreement under which he was shipped, or at the time such seaman is discharged, whichever first happens; and in case of vessels making foreign voyages, or from a port on the Atlantic to a port on the Pacific, or vice versa, within twenty-four hours after the cargo has been discharged, or within four days after the seaman has been discharged, whichever first happens; and in all cases the seaman shall be entitled to be paid at the time of his discharge on account of wages a sum equal to one-third part of the balance due him. Every master or owner who refuses or neglects to make payment in the manner hereinbefore mentioned without sufficient cause shall pay to the seaman a sum equal to two days' pay for each and every day during which payment is delayed beyond the respective periods, which sum shall be recoverable as wages in any claim made before the court; but this section shall not apply to masters or owners of any vessel the seamen of which are entitled to share in the profits of the cruise or voyage.

R. S. 4530.

July 20, 1790 (Sec. 6), S. L. 1, p. 133.

PAYMENT OF WAGES AT PORTS, ETC.

Every seaman shall be entitled to receive from the master of the vessel to which he belongs, one-third part of the wages which shall be due to him at every port where such vessel shall unlade and deliver her cargo before the voyage is ended, unless the contrary be expressly stipulated in the contract; and as soon as the voyage is ended, and the cargo or ballast is fully discharged at the last port of delivery, he shall be entitled to the wages which shall be then due.

DEC. 21, 1898 (SEC. 5).

S. L. 30, p. 756 (R. S. 4530).

SEC. 4530. Every seaman on a vessel of the United States shall be entitled to receive from the master of the vessel to which he belongs one-half part of the wages which shall be due him at every port where such vessel, after the voyage has commenced, shall load or deliver cargo before the voyage is ended unless the contrary be expressly stipulated in the contract; and when the voyage is ended every such seaman shall be entitled to the remainder of the wages which shall then be due him as provided in section forty-five hundred and twenty-nine of the Revised Statutes. [This section shall not apply to fishing or whaling vessels or yachts—Dec. 21, 1898, Sec. 26.]

*MARCH 4, 1915 (SEC. 4).

S. L. 38, p. 1165 (R. S. 4530).

SEC. 4530. Every seaman on a vessel of the United States shall be entitled to receive on demand from the master of the vessel to which he belongs one-half part of the wages which he shall have then earned at every port where such vessel, after the voyage has been commenced, shall load or deliver cargo before the voyage is ended and all stipulations in the contract to the contrary shall be void.

Such a demand shall not be made before the expiration of, nor oftener than once in five days. Any failure on the part of the master to comply with this demand shall release the seaman from his contract and he shall be entitled to full payment of wages earned.

When the voyage is ended every such seaman shall be entitled to the remainder of the wages which shall then be due him, as provided in Section 4529 of the Revised Statutes.

Notwithstanding any release signed by any seaman under Section 4552 of the Revised Statutes any court having jurisdiction may upon good cause shown set aside such release and take such action as justice shall require.

This section shall apply to seamen on foreign vessels while in harbors of the United States, and the courts of the United States shall be open to such seamen for its enforcement.

R. S. 4536.

June 7, 1872 (Sec. 61), S. L. 17, p. 276.

NO ATTACHMENT OR ASSIGNMENT OF WAGES.

No wages due or accruing to any seaman or apprentice shall be subject to attachment or arrestment from any court; and every payment of wages to a seaman or apprentice shall be valid in law, notwithstanding any previous sale or assignment of wages, or of any attachment, incumbrance, or arrestment thereon; and no assignment or sale of wages, or of salvage, made prior to the accruing thereof, shall bind the party making the same, except such advance securities as are authorized by this Title.

*MARCH 4, 1915 (SEC. 12).

S. L. 38, p. 1169.

No wages due or accruing to any seaman or apprentice shall be subject to attachment or arrestment from any court, and every payment of wages to a seaman or apprentice shall be valid in law, notwithstanding any previous sale or assignment of wages or of any

attachment, incumbrance, or arrestment thereon; and no assignment or sale of wages or of salvage made prior to the accruing thereof, shall bind the party making the same, except such allotments as are authorized by this title. This section shall apply to fishermen employed on fishing vessels as well as to seamen.

Nothing contained in this or any preceding section shall interfere with the order by any court regarding the payment by any seaman of any part of his wages for the support and maintenance of his wife and minor children. Section 4536 of the Revised Statutes of the United States is hereby repealed.

*R. S. 4537.

July 20, 1790 (Sec. 4), S. L. 1, p. 133.

LIMIT OF SUM RECOVERABLE DURING VOYAGE.

No sum exceeding one dollar shall be recoverable from any seaman, by any one person, for any debt contracted during the time such seaman shall actually belong to any vessel, until the voyage for which such seaman engaged shall be ended.

*R. S. 4546.

July 20, 1790 (Sec. 6), S. L. 1, p. 133; Aug. 23, 1842 (Sec. 1), S. L. 5, p. 517.

SUMMONS FOR NON-PAYMENT OF WAGES.

Whenever the wages of any seaman are not paid within ten days after the time when the same ought to be paid according to the provisions of this Title, or any dispute arises between the master and seamen touching wages, the district judge for the judicial district where the vessel is, or in case his residence be more than three miles from the place, or he be absent from the place of his residence, then, any judge or justice of the peace, or any commissioner of a circuit court, may summon the master of such vessel to appear before him, to show cause why process should not issue against such vessel, her tackle, apparel, and furniture, according to the course of admiralty courts, to answer for the wages.

R. S. 4547.

July 20, 1790 (Sec. 6), S. L. 1, p. 133; Aug. 23, 1842 (Sec. 1), S. L. 5, p. 517.

LIBEL FOR WAGES.

If the master against whom such summons is issued neglects to appear, or, appearing, does not show that the wages are paid, or

otherwise satisfied or forfeited, and if the matter in dispute is not forthwith settled, the judge or justice or commissioner shall certify to the clerk of the district court that there is sufficient cause of complaint whereon to found admiralty process, and thereupon the clerk of such court shall issue process against the vessel, and the suit shall be proceeded on in the court, and final judgment shall be given according to the usual course of admiralty courts in such cases. In such suit all the seamen having cause of complaint of the like kind against the same vessel, shall be joined as complainants; and it shall be incumbent on the master to produce the contract and log-book, if required, to ascertain any matters in dispute; otherwise the complainants shall be permitted to state the contents thereof, and the proof of the contrary shall lie on the master. But nothing herein contained shall prevent any seaman from maintaining any action at common law for the recovery of his wages, or having immediate process out of any court having admiralty jurisdiction, wherever any vessel may be found, in case she shall have left the port of delivery where her voyage ended, before payment of the wages, or in case she shall be about to proceed to sea before the end of the ten days next after the delivery of her cargo or ballast.

*DEC. 21, 1898 (SEC. 6).

S. L. 30, p. 756 (R. S. 4547).

SEC. 4547. If the master against whom such summons is issued neglects to appear, or, appearing, does not show that the wages are paid or otherwise satisfied or forfeited, and if the matter in dispute is not forthwith settled, the judge or justice or commissioner shall certify to the clerk of the district court that there is sufficient cause of complaint whereon to found admiralty process; and thereupon the clerk of such court shall issue process against the vessel. In all cases where the matter in demand does not exceed one hundred dollars the return day of the monition or citation shall be the first day of a stated or special session of court next succeeding the third day after the service of the monition or citation, and on the return of process in open court, duly served, either party may proceed therein to proofs and hearing without other notice, and final judgment shall be given according to the usual course of admiralty courts in such cases. In such suits all the seamen having cause of complaint of the like kind against the same vessel may be joined as complainants, and it shall be incumbent on the master to produce the contract and log book, if required to ascertain any matter in dispute; otherwise the complainants shall be permitted to state the contents thereof, and the burden of proof of the contrary shall be on the master. But nothing herein contained

shall prevent any seaman from maintaining any action at common law for the recovery of his wages, or having immediate process out of any court having admiralty jurisdiction wherever any vessel may be found, in case she shall have left the port of delivery where her voyage ended before payment of the wages, or in case she shall be about to proceed to sea before the end of the ten days next after the day when such wages are due, in accordance with section forty-five hundred and twenty-nine of the Revised Statutes. [This section shall not apply to fishing or whaling vessels or yachts—Dec. 21, 1898, Sec. 26—but this section shall apply to all vessels engaged in the taking of oysters.—June 28, 1906, Sec. 4.]

NOTE—Omitted, Act, July 20, 1846, Sec. 1. See p. 170.

*R. S. 4549.

June 7, 1872 (Sec. 22), S. L. 17, p. 266.

MODE OF DISCHARGE.

All seamen discharged in the United States from merchant vessels engaged in voyages from a port in the United States to any foreign port, or, being of the burden of seventy-five tons or upward, from a port on the Atlantic to a port on the Pacific, or vice versa, shall be discharged and receive their wages in the presence of a duly authorized shipping-commissioner under this Title, except in cases where some competent court otherwise directs; and any master or owner of any such vessel who discharges any such seaman belonging thereto, or pays his wages within the United States in any other manner, shall be liable to a penalty of not more than fifty dollars.

*R. S. 4550.

June 7, 1872 (Sec. 23), S. L. 17, p. 267.

ACCOUNT ON DISCHARGE.

Every master shall, not less than forty-eight hours before paying off or discharging any seaman, deliver to him, or, if he is to be discharged before a shipping-commissioner, to such shipping-commissioner, a full and true account of his wages, and all deductions to be made therefrom on any account whatsoever; and in default shall, for each offense, be liable to a penalty of not more than fifty dollars. No deduction from the wages of any seaman except in respect of some matter happening after such delivery shall be allowed; unless it is included in the account delivered; and the master shall, during the voyage, enter the various matters in respect to which such deductions are made, with the amounts of the respective deductions as they occur, in the official

log-book, and shall, if required, produce such book at the time of the payment of wages, and, also, upon the hearing, before any competent authority, of any complaint or question relating to such payment.

*R. S. 4551.

June 7, 1872 (Sec. 24), S. L. 17, p. 267.

CERTIFICATE OF DISCHARGE.

Upon the discharge of any seaman, or upon payment of his wages, the master shall sign and give him a certificate of discharge, specifying the period of his service and the time and place of his discharge, in the form marked Table B in the schedule annexed to this Title; and every master who fails to sign and give to such seaman such certificate and discharge, shall, for each such offense, incur a penalty not exceeding fifty dollars. But whenever the master shall discharge his crew or any part thereof in any collection district where no shipping-commissioner has been appointed, he may perform for himself the duties of such commissioner.

*R. S. 4552.

June 7, 1872 (Sec. 27), S. L. 17, p. 267.

RULES FOR SETTLEMENT.

The following rules shall be observed with respect to the settlement of wages:

First. Upon the completion, before a shipping-commissioner, of any discharge and settlement, the master or owner and each seaman, respectively, in the presence of the shipping-commissioner, shall sign a mutual release of all claims for wages in respect of the past voyage or engagement, and the shipping-commissioner shall also sign and attest it, and shall retain it in a book to be kept for that purpose, provided both the master and seamen assent to such settlement, or the settlement has been adjusted by the shipping-commissioner.

Second. Such release, so signed and attested, shall operate as a mutual discharge and settlement of all demands for wages between the parties thereto, on account of wages, in respect of the past voyage or engagement.

Third. A copy of such release, certified under the hand and seal of such shipping-commissioner to be a true copy, shall be given by him to any party thereto requiring the same, and such copy shall be receivable in evidence upon any future question touching such claims, and shall have all the effect of the original of which it purports to be a copy.

Fourth. In cases in which discharge and settlement before a ship-

ping-commissioner are required, no payment, receipt, settlement, or discharge otherwise made shall operate as evidence of the release or satisfaction of any claim.

Fifth. Upon payment being made by a master before a shipping-commissioner, the shipping-commissioner shall, if required, sign and give to such master a statement of the whole amount so paid; and such statement shall, between the master and his employer, be received as evidence that he has made the payments therein mentioned.

*R. S. 4553.

June 7, 1872 (Sec. 28), S. L. 17, p. 268.

CERTIFICATE OF CHARACTER.

Upon every discharge effected before a shipping-commissioner, the master shall make and sign, in the form given in the table marked "B," in the schedule annexed to this Title, a report of the conduct, character, and qualifications of the persons discharged; or may state in such form, that he declines to give any opinion upon such particulars, or upon any of them; and the commissioner shall keep a register of the same, and shall, if desired so to do by any seaman, give to him or indorse on his certificate of discharge a copy of so much of such report as concerns him.

*R. S. 4555.

June 7, 1872 (Sec. 26), S. L. 17, p. 268.

EXAMINATION OF WITNESSES.

In any proceeding relating to the wages, claims, or discharge of a seaman, carried on before any shipping-commissioner, under the provisions of this Title, such shipping-commissioner may call upon the owner, or his agent, or upon the master, or any mate, or any other member of the crew, to produce any log-books, papers, or other documents in their possession or power, respectively, relating to any matter in question in such proceedings, and may call before him and examine any of such persons, being then at or near the place, on any such matter; and every owner, agent, master, mate, or other member of the crew who, when called upon by the shipping-commissioner, does not produce any such books, papers, or documents, if in his possession or power, or does not appear and give evidence, shall, unless he shows some reasonable cause for such default, be liable to a penalty of not more than one hundred dollars for each offense; and, on application made by the shipping-commissioner, shall be further punished, in the discretion of the court, as in other cases of contempt of the process of the court.

*R. S. 4603.

June 7, 1872 (Sec. 56), S. L. 17, p. 275.

ENFORCEMENT OF FORFEITURES.

Any question concerning the forfeiture of, or deductions from, the wages of any seaman or apprentice, may be determined in any proceeding lawfully instituted with respect to such wages, notwithstanding the offense in respect of which such question arises, though hereby made punishable by imprisonment as well as forfeiture, has not been made the subject of any criminal proceeding.

*R. S. 4605.

June 7, 1872 (Sec. 57), S. L. 17, p. 275.

APPROPRIATION OF WAGES TO COSTS OF CONVICTION.

Whenever in any proceeding relating to seamen's wages it is shown that any seaman or apprentice has, in the course of the voyage, been convicted of any offense by any competent tribunal, and rightfully punished therefor, by imprisonment or otherwise, the court hearing the case may direct a part of the wages due to such seamen, not exceeding fifteen dollars, to be applied in reimbursing any costs properly incurred by the master in procuring such conviction and punishment.

JULY 1, 1916 (SEC. 1, JUDICIAL).

S. L. 39, p. 313.

SUITS BY SEAMEN.

That courts of the United States shall be open to seamen, without furnishing bonds or prepayment of or making deposit to secure fees or costs, for the purpose of entering and prosecuting suits in their own name and for their own benefit for wages or salvage and to enforce laws made for their health and safety.

*JULY 1, 1918 (SEC. 1, JUDICIAL).

S. L. 40, p. 683.

. That courts of the United States, including appellate courts, hereafter shall be open to seamen, without furnishing bonds or prepayment of or making deposit to secure fees or costs, for the purpose of entering and prosecuting suit or suits in their own name and for their own benefit for wages or salvage and to enforce laws made for their health and safety.

DUTIES OF CONSULS.

(See also "Shipping Articles," "Discharge in Foreign Port," "Distressed Seamen," "Deceased Seamen," "Offenses and Punishments," Etc.)

*R. S. 1433.

Feb. 20, 1845 (Sec. 2), S. L. 5, p. 725.

CONSULAR POWERS.

The commanding officer of any fleet, squadron, or vessel acting singly, when upon the high seas or in any foreign port where there is no resident consul of the United States, shall be authorized to exercise all the powers of a consul in relation to mariners of the United States.

*R. S. 1707.

April 14, 1792 (Sec. 2), S. L. 1, p. 255.

PROTESTS.

Consuls and vice-consuls shall have the right, in the ports or places to which they are severally appointed, of receiving the protests or declarations which captains, masters, crews, passengers, or merchants, who are citizens of the United States, may respectively choose to make there; and also such as any foreigner may choose to make before them relative to the personal interest of any citizen of the United States. Copies of such acts duly authenticated by consuls or vice-consuls, under the seal of their consulates, respectively, shall be received in evidence equally with their originals in all courts in the United States.

*R. S. 1708.

Aug. 18, 1856 (Sec. 27), S. L. 11, p. 62.

LISTS AND RETURNS OF SEAMEN, VESSELS, ETC.

Every consular officer shall keep a detailed list of all seamen and mariners shipped and discharged by him, specifying their names and the names of the vessels on which they are shipped and from which they are discharged, and the payments, if any, made on account of each so discharged; also of the number of the vessels arrived and departed, the amounts of their registered tonnage, and the number of their seamen and mariners, and of those who are protected, and whether citizens of the United States or not, and as nearly as possible the nature and value of their cargoes, and where produced, and shall

make returns of the same, with their accounts and other returns, to the Secretary of the *Treasury.

* "Commerce and Labor"—Feb. 14, 1903, Sec. 10. "Commerce"—Mar. 4, 1913, Sec. 1.

*R. S. 1718.

Aug. 18, 1856 (Sec. 28), S. L. 11, p. 63.

FEES ALLOWED FOR OFFICIAL SERVICES.

Whenever any master or commander of a vessel of the United States has occasion for any consular or other official service, which any consular officer of the United States is authorized by law or usage officially to perform, and for which any fees are allowed by the rates or tariffs of fees, he shall apply to the consular officer at the consulate or commercial agency where such service is required to perform such service, and shall pay to such officer the fees allowed for such service by the rates or tariffs of fees. And every such master or commander who omits so to do shall be liable to the United States for the amount of the fees lawfully chargeable for such services when actually performed. All consular officers are authorized and required to retain in their possession all the papers of such vessels, which shall be deposited with them as directed by law, till payment shall be made of all demands and wages on account of such vessels.

*JUNE 26, 1884 (SEC. 12).

S. L. 23, p. 57.

That on and after July first, eighteen hundred and eighty-four, no fees named in the tariff of consular fees prescribed by order of the President shall be charged or collected by consular officers for the official services to American vessels and seamen. Consular officers shall furnish the master of every such vessel with an itemized statement of such services performed on account of said vessel, with the fee so prescribed for each service, and make a detailed report to the Secretary of the Treasury of such services and fees, under such regulations as the Secretary of State may prescribe; and the Secretary of the Treasury shall allow consular officers who are paid in whole or in part by fees such compensation for said services as they would have received prior to the passage of this Act: *Provided*, That such services, in the opinion of the Secretary of the Treasury have been necessarily rendered; *and a sum sufficient for the payment of such compensation, when thus adjusted by the Secretary of the Treasury, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

* Fees abolished—June 19, 1886, Sec. 1.

*R. S. 1719.

Aug. 18, 1856 (Sec. 20), S. L. 11, p. 59.

NO PROFIT FROM DISCHARGED SEAMEN.

No consular officer, nor any person under any consular officer shall make any charge or receive, directly or indirectly, any compensation, by way of commission or otherwise, for receiving or disbursing the wages or extra wages to which any seaman or mariner is entitled who is discharged in any foreign country, or for any money advanced to any such seaman or mariner who seeks relief from any consulate or commercial agency; nor shall any consular officer, or any person under any consular officer, be interested, directly or indirectly, in any profit derived from clothing, boarding, or otherwise supplying or sending home any such seaman or mariner. Such prohibition as to profit, however, shall not be construed to relieve or prevent any such officer who is the owner of or otherwise interested in any vessel of the United States, from transporting in such vessel any such seaman or mariner, or from receiving or being interested in such reasonable allowance as may be made for such transportation by law.

R. S. 4213.

Aug. 18, 1856 (Sec. 18), S. L. 11, p. 59.

COPIES OF RECEIPTS OF CONSULAR FEES, ETC.

It shall be the duty of all owners, agents, consignees, masters, and commanders of vessels to whom any receipt for fees shall be given by any consular officer, to furnish a copy thereof to the collector of the district in which such vessels shall first arrive on their return to the United States. And it shall also be the duty of every collector to forward to the Secretary of the Treasury all such copies of receipts as shall have been so furnished to him, and also a statement of all certified invoices which shall have come to his office, giving the dates of the certificates, and the names of the persons for whom and of the consular officers by whom the same were certified.

*JUNE 26, 1884 (SEC. 13).

S. L. 23, p. 57 (R. S. 4213).

SEC. 4213. It shall be the duty of all masters of vessels for whom any official services shall be performed by any consular officer, without the payment of a fee, to require a written statement of such services from such consular officer, and, after certifying as to whether such statement is correct, to furnish it to the collector of the district in which such vessels shall first arrive on their return to the United

States: and if any such master of a vessel shall fail to furnish such statement, he shall be liable to a fine of not exceeding fifty dollars, unless such master shall state under oath that no such statement was furnished him by said consular officer. And it shall be the duty of every collector to forward to the Secretary of the Treasury all such statements as shall have been furnished to him, and also a statement of all certified invoices which shall have come to his office, giving the dates of the certificates, and the names of the persons for whom and of the consular officer by whom the same were certified.

DISCHARGE IN FOREIGN PORT.

(See also "Duties of Consuls," "Distressed Seamen," Etc.)

*R. S. 4548.

March 3, 1873, S. L. 17, p. 602.

WAGES PAYABLE IN GOLD.

Moneys paid under the laws of the United States, by direction of consular officers or agents, at any foreign port or place, as wages, extra or otherwise, due American seamen, shall be paid in gold or its equivalent, without any deduction whatever, any contract to the contrary notwithstanding.

R. S. 4580.

Aug. 18, 1856 (Sec. 26), S. L. 11, p. 62; Mar. 3, 1873, S. L. 17, p. 580.

EXTRA WAGES ON DISCHARGE.

Upon the application of any seaman to a consular officer for a discharge, if it appears to such officer that he is entitled to his discharge under any Act of Congress, or according to the general principles or usages of maritime law, as recognized in the United States, the officer shall discharge such seaman; and shall require from the master of the vessel from which such discharge shall be made, the payment of three months' extra wages, over and above the wages which may then be due to such seaman. When, however, after a full hearing of both parties, the cause of discharge is found to be the misconduct of the seaman, the consular officer may remit so much of the extra wages as would be, by section forty-five hundred and eighty-four, payable to the seaman.

*JUNE 26, 1884 (SEC. 2).

S. L. 23, p. 53 (R. S. 4580).

SEC. 4580. Upon the application of the master of any vessel to a consular officer to discharge a seaman, or upon the application of any seaman for his own discharge, if it appears to such officer that said seaman has completed his shipping agreement, or is entitled to his discharge under any Act of Congress or according to the general principles or usages of maritime law as recognized in the United States, such officer shall discharge said seaman, and require from the master of said vessel, before such discharge shall be made, payment of the wages which may then be due said seaman; but no payment of extra wages shall be required by any consular officer upon such discharge of any seaman except as provided in this act.

R. S. 4581.

Aug. 18, 1856 (Sec. 26), S. L. 11, p. 62.

PENALTY FOR NEGLECT TO COLLECT EXTRA WAGES.

If any consular officer, when discharging any seaman, shall neglect to require the payment of and collect the extra wages required to be paid in the case of the discharge of any seaman, he shall be accountable to the United States for the full amount of their share of such wages, and to such seaman to the full amount of his share thereof; and if any seaman shall, after his discharge, have incurred any expense for board or other necessities at the place of his discharge, before shipping again, such expense shall be paid out of the share of three months' wages to which he shall be entitled, which shall be retained for that purpose, and the balance only paid over to him.

JUNE 26, 1884 (SEC. 7).

S. L. 23, p. 55 (R. S. 4581).

SEC. 4581. If any consular officer, when discharging any seaman, shall neglect to require the payment of and collect the arrears of wages and extra wages required to be paid in the case of the discharge of any seaman, he shall be accountable to the United States to the full amount thereof. If any seaman, after his discharge, shall have incurred any expense for board or other necessities at the place of his discharge, before shipping again, or for transportation to the United States, such expense shall be paid out of the arrears of wages and extra wages received by the consular officer, which shall be retained for that purpose and the balance only paid over to such seamen.

APRIL 4, 1888 (SEC. 3).
S. L. 25, p. 80 (R. S. 4581).

That section forty-five hundred and eighty-one of the Revised Statutes, as amended by section seven of chapter one hundred and twenty-one of the public laws passed by the Forty-eighth Congress, is amended by striking out all after the word "thereof," in the fifth line, and inserting in lieu thereof as follows: "If any seaman, after his discharge, shall have incurred any expense for board or other necessities, or for reasonable charges for medical care and nursing, at the place of his discharge, before shipping again, or for transportation to the United States, such expense shall be paid out of the arrears of wages and extra wages received by the consular officer, which shall be retained for that purpose, and the balance only paid over to such seaman; and if such arrears and extra wages are not sufficient to defray such expense, the deficiency shall be paid from the fund in the Treasury for the maintenance and transportation of destitute American seamen."

*DEC. 21, 1898 (SEC. 16).
S. L. 30, p. 755 (R. S. 4581).

SEC. 4581. If any consular officer, when discharging any seaman, shall neglect to require the payment of and collect the arrears of wages and extra wages required to be paid in the case of the discharge of any seaman, he shall be accountable to the United States for the full amount thereof. The master shall provide any seaman so discharged with employment on a vessel agreed to by the seaman, or shall provide him with one month's extra wages, if it shall be shown to the satisfaction of the consul that such seaman was not discharged for neglect of duty, incompetency, or injury incurred on the vessel. If the seaman is discharged by voluntary consent before the consul, he shall be entitled to his wages up to the time of his discharge, but not for any further period. If the seaman is discharged, on account of injury or illness, incapacitating him for service, the expenses of his maintenance and return to the United States shall be paid from the fund for the maintenance and transportation of destitute American seamen.

*MARCH 4, 1915 (SEC. 19).
S. L. 38, p. 1185 (R. S. 4581).

SEC. 19. That section sixteen [R. S. 4581] of the Act approved December twenty-first, eighteen hundred and ninety-eight, entitled "An Act to amend the laws relating to American seamen, for the protec-

tion of such seamen, and to promote commerce," be amended by adding at the end of the section the following:

"Provided, That at the discretion of the Secretary of Commerce, and under such regulations as he may prescribe, if any seaman incapacitated from service by injury or illness is on board a vessel so situated that a prompt discharge requiring the personal appearance of the master of the vessel before an American consul or consular agent is impracticable, such seaman may be sent to a consul or consular agent, who shall care for him and defray the cost of his maintenance and transportation, as provided in this paragraph."

R. S. 4582.

Feb. 28, 1803 (Sec. 3), S. L. 2, p. 203.

EXTRA WAGES UPON DISCHARGE IN CASE OF SALE.

Whenever a vessel belonging to a citizen of the United States is sold in a foreign country, and her company discharged, or when a seaman, a citizen of the United States, is, with his own consent, discharged in a foreign country, it shall be the duty of the master to produce to the consular officer the certified list of his ship's company, and to pay such consul or officer, for every seaman so discharged, designated on such list as a citizen of the United States, three months' pay, over and above the wages which may then be due to such seaman.

JUNE 26, 1884 (SEC. 5).

S. L. 23, p. 53 (R. S. 4582).

SEC. 4582. Whenever a vessel of the United States is sold in a foreign country, and her company discharged, it shall be the duty of the master to produce to the consular officer the certified list of his ship's company, and also the shipping articles, and to pay to said consular officer for every seaman so discharged one month's wages over and above the wages which may then be due to such seaman; but in case the master of the vessel so sold shall, with the assent of said seaman, provide him with adequate employment on board some other vessel bound to the port at which he was originally shipped, or to such other port as may be agreed upon by him, then no payment of extra wages shall be required.

*DEC. 21, 1898 (SEC. 17).

S. L. 30, p. 759 (R. S. 4582).

SEC. 4582. Whenever a vessel of the United States is sold in a foreign country and her company discharged, it shall be the duty of the master to produce to the consular officer a certified list of the ship's

company, and also the shipping articles, and besides paying to each seaman or apprentice the wages due him, he shall either provide him with adequate employment on board some other vessel bound to the port at which he was originally shipped, or to such other port as may be agreed upon by him, or furnish the means of sending him to such port, or provide him with a passage home, or deposit with the consular officer such a sum of money as is by the officer deemed sufficient to defray the expenses of his maintenance and passage home; and the consular officer shall indorse upon the agreement with the crew of the ship which the seaman or apprentice is leaving the particulars of any payment, provision, or deposit made under this section. A failure to comply with the provisions of this section shall render the owner liable to fine of not exceeding fifty dollars.

R. S. 4583.

July 20, 1840, S. L. 5, p. 395; Aug. 18, 1856 (Sec. 26), S. L. 11, p. 62.

WHEN EXTRA WAGES MAY BE REMITTED.

No payment of extra wages shall be required upon the discharge of any seaman in cases where vessels are wrecked, or stranded, or condemned as unfit for service. If any consular officer, upon the complaint of any seaman that he has fulfilled his contract, or that the voyage is continued contrary to his agreement, is satisfied that the contract has expired, or that the voyage has been protracted by circumstances beyond the control of the master, and without any design on his part to violate the articles of shipment, then he may, if he deems it just, discharge the mariner without exacting the three months' additional pay. No payment of such extra wages, or any part thereof, shall be remitted in any case, except as allowed in this section.

JUNE 26, 1884 (SEC. 3).

S. L. 23, p. 53 (R. S. 4583).

SEC. 4583. Whenever on the discharge of a seaman in a foreign country, on his complaint that the voyage is continued contrary to agreement, the consular officer shall be satisfied that such voyage has been designedly and unnecessarily prolonged in violation of the articles of shipment, or whenever a seaman is discharged by a consular officer in consequence of any hurt or injury received in the service of the vessel, such consular officer shall require the payment by the master of one month's wages for such seaman over and above the wages due at the time of discharge.

*DEC. 21, 1898 (SEC. 18).

S. L. 30, p. 760 (R. S. 4583).

SEC. 4533. Whenever on the discharge of a seaman in a foreign country by a consular officer on his complaint that the voyage is continued contrary to agreement, or that the vessel is badly provisioned or unseaworthy, or against the officers for cruel treatment, it shall be the duty of the consul or consular agent to institute a proper inquiry into the matter, and, upon his being satisfied of the truth and justice of such complaint, he shall require the master to pay to such seaman one month's wages over and above the wages due at the time of discharge, and to provide him with adequate employment on board some other vessel, or provide him with a passage on board some other vessel bound to the port from which he was originally shipped, or to the most convenient port of entry in the United States, or to a port agreed to by the seaman.

R. S. 4584.

Feb. 28, 1803 (Sec. 3), S. L. 2, p. 203; July 20, 1840, S. L. 5, p. 395;
Aug. 18, 1856 (Sec. 26), S. L. 11, p. 62.

DISPOSAL OF EXTRA WAGES.

Whenever any consular officer upon the discharge of any seaman demands or receives extra three months' wages for such seaman, two-thirds thereof shall be paid by such officer to the seaman so discharged, upon his engagement on board of any vessel to return to the United States. The remaining third shall be retained for the purpose of creating a fund for the payment of the passages of seamen, citizens of the United States, who may be desirous of returning to the United States, and for the maintenance of American seamen who may be destitute, and may be in such foreign port; and the several sums retained for such fund shall be accounted for with the Treasury every six months by the persons receiving the same.

DISTRESSED SEAMEN.

(See also "Duties of Consuls," "Discharge in Foreign Port," Etc.)

*R. S. 4577.

Feb. 28, 1803 (Sec. 4), S. L. 2, p. 204.

RETURN OF SEAMEN.

It shall be the duty of the consuls, vice-consuls, commercial agents, and vice-commercial agents, from time to time, to provide for the seamen of the United States, who may be found destitute within their

districts, respectively, sufficient subsistence and passages to some port in the United States, in the most reasonable manner, at the expense of the United States, subject to such instructions as the Secretary of State shall give. The seamen shall, if able, be bound to do duty on board the vessels in which they may be transported, according to their several abilities.

R. S. 4578.

Feb. 28, 1803 (Sec. 4), S. L. 2, p. 204.

PENALTY FOR REFUSING TO RECEIVE SEAMEN.

All masters of vessels belonging to citizens of the United States, and bound to some port of the same, are required to take such destitute seamen on board of their vessels, at the request of the consuls, vice-consuls, commercial agents, or vice-commercial agents, respectively, and to transport them to the port in the United States to which such vessel may be bound, on such terms, not exceeding ten dollars for each person, as may be agreed between the master and the consul or officer. Every such master who refuses the same on the request or order of such consul or officer shall be liable to the United States in a penalty of one hundred dollars for each seaman so refused. The certificate of any such consul or officer, given under his hand and official seal, shall be presumptive evidence of such refusal, in any court of law having jurisdiction for the recovery of the penalty. No master of any vessel shall, however, be obliged to take a greater number than two men to every one hundred tons burden of the vessel, on any one voyage.

*JUNE 26, 1884 (SEC. 9).

S. L. 23, p. 55 (R. S. 4578).

SEC. 4578. All masters of vessels of the United States, and bound to some port of the same, are required to take such destitute seamen on board their vessels, at the request of consular officers, and to transport them to the port in the United States to which such vessel may be bound, on such terms, not exceeding ten dollars for each person for voyages of not more than thirty days, and not exceeding twenty dollars for each person for longer voyages, as may be agreed between the master and the consular officer; and said consular officer shall issue certificates for such transportation, which certificates shall be assignable for collection. If any such destitute seaman is so disabled or ill as to be unable to perform duty, the consular officer shall so certify in the certificate of transportation, and such additional compensation shall be paid as the First Comptroller of the Treasury shall deem proper. Every such master who refuses to receive and transport such seamen

on the request or order of such consular officer shall be liable to the United States in a penalty of one hundred dollars for each seaman so refused. The certificate of any such consular officer, given under his hand and official seal, shall be presumptive evidence of such refusal in any court of law having jurisdiction for the recovery of the penalty. No master of any vessel shall, however, be obliged to take a greater number than one man to every one hundred tons burden of the vessel on any one voyage.

*JUNE 19, 1886 (SEC. 18).

S. L. 24, p. 83 (R. S. 4578).

SEC. 18. Section nine of "An Act to remove certain burdens on the American merchant marine and encourage the American foreign carrying trade, and for other purposes," approved June twenty-sixth, eighteen hundred and eighty-four, is hereby amended in the eighth line by inserting after the words "and the consular officer" the following: "When the transportation is by a sailing vessel; and the regular steerage passenger rate, not to exceed two cents per mile, when the transportation is by steamer." And the said section is further amended by adding at the end the following: "or to take any seaman having a contagious disease."

*R. S. 4579.

Feb. 28, 1811, S. L. 2, p. 651.

ADDITIONAL ALLOWANCE FOR TRANSPORTATION OF DESTITUTE SEAMEN.

Whenever distressed seamen of the United States are transported from foreign ports where there is no consular officer of the United States, to ports of the United States, there shall be allowed to the master or owner of each vessel, in which they are transported, such reasonable compensation, in addition to the allowance now fixed by law, as shall be deemed equitable by the First Comptroller of the Treasury.

DECEASED SEAMEN.

(See also "Duties of Consuls.")

*R. S. 4538.

June 7, 1872 (Sec. 43), S. L. 17, p. 271.

EFFECTS OF DECEASED SEAMEN.

Whenever any seaman or apprentice belonging to or sent home on any merchant vessel, whether a foreign-going or domestic vessel, employed on a voyage which is to terminate in the United States, dies

during such voyage, the master shall take charge of all moneys, clothes, and effects which he leaves on board, and shall, if he thinks fit, cause all or any of such clothes and effects to be sold by auction at the mast or other public auction, and shall thereupon sign an entry in the official log-book, and cause it to be attested by the mate and one of the crew, containing the following particulars:

First. A statement of the amount of money so left by the deceased.

Second. In case of a sale, a description of each article sold, and the sum received for each.

Third. A statement of the sum due to deceased as wages, and the total amount of deductions, if any, to be made therefrom.

*R. S. 4539.

June 7, 1872 (Sec. 44), S. L. 17, p. 271.

PROCEEDINGS IN REGARD TO EFFECTS OF DECEASED SEAMEN.

In cases embraced by the preceding section, the following rules shall be observed:

First. If the vessel proceeds at once to any port in the United States, the master shall, within forty-eight hours after his arrival, deliver any such effects remaining unsold, and pay any money which he has taken charge of, or received from such sale, and the balance of wages due to the deceased, to the shipping-commissioner at the port of destination in the United States.

Second. If the vessel touches and remains at some foreign port before coming to any port in the United States, the master shall report the case to the United States consular officer there, and shall give to such officer any information he requires as to the destination of the vessel and probable length of the voyage; and such officer may, if he considers it expedient so to do, require the effects, money, and wages to be delivered and paid to him, and shall, upon such delivery and payment, give to the master a receipt; and the master shall within forty-eight hours after his arrival at his port of destination in the United States produce the same to the shipping-commissioner there. Such consular officer shall, in any such case, indorse and certify upon the agreement with the crew the particulars with respect to such delivery and payment.

Third. If the consular officer does not require such payment and delivery to be made to him, the master shall take charge of the effects, money, and wages, and shall, within forty-eight hours after his arrival at his port of destination in the United States, deliver and pay the same to the shipping-commissioner there.

Fourth. The master shall, in all cases in which any seaman or

apprentice dies during the voyage or engagement, give to such officer or shipping-commissioner an account, in such form as they may respectively require, of the effects, money, and wages so to be delivered and paid; and no deductions claimed in such account shall be allowed unless verified by an entry in the official log-book, if there be any; and by such other vouchers, if any, as may be reasonably required by the officer or shipping-commissioner to whom the account is rendered

Fifth. Upon due compliance with such of the provisions of this section as relate to acts to be done at the port of destination in the United States, the shipping-commissioner shall grant to the master a certificate to that effect. No officer of customs shall clear any foreign-going vessel without the production of such certificate.

*R. S. 4540.

June 7, 1872 (Sec. 45), S. L. 17, p. 271.

PENALTY FOR NEGLECT IN REGARD TO SEAMEN'S EFFECTS.

Whenever any master fails to take such charge of the money or other effects of a seaman or apprentice during a voyage, or to make such entries in respect thereof, or to procure such attestation to such entries, or to make such payment or delivery of any money, wages, or effects of any seaman or apprentice dying during a voyage, or to give such account in respect thereof as is above directed, he shall be accountable for the money, wages, and effects of the seaman or apprentice to the circuit court in whose jurisdiction such port of destination is situate, and shall pay and deliver the same accordingly; and he shall, in addition, for every such offense, be liable to a penalty of not more than treble the value of the money or effects, or, if such value is not ascertained, not more than two hundred dollars; and if any such money, wages, or effects are not duly paid, delivered, and accounted for by the master, the owner of the vessel shall pay, deliver, and account for the same, and such money and wages and the value of such effects shall be recoverable from him accordingly; and if he fails to account for and pay the same, he shall, in addition to his liability for the money and value, be liable to the same penalty which is incurred by the master for a like offense; and all money, wages, and effects of any seaman or apprentice dying during a voyage shall be recoverable in the courts and by the modes of proceeding by which seamen are enabled to recover wages due to them.

*R. S. 4541.

June 7, 1872 (Sec. 46), S. L. 17, p. 272.

DUTIES OF CONSULAR OFFICERS IN REGARD TO DECEASED SEAMAN'S EFFECTS.

Whenever any such seaman or apprentice dies at any place out of the United States, leaving any money or effects not on board of his vessel, the consular officer of the United States at or nearest the place shall claim and take charge of such money and effects, and shall, if he thinks fit, sell all or any of such effects, or any effects of any deceased seaman or apprentice delivered to him under the provisions of this Title, and shall quarterly remit to the district judge for the district embracing the port from which such vessel sailed, or the port where the voyage terminates, all moneys belonging to or arising from the sale of the effects or paid as the wages of any deceased seamen or apprentices which have come to his hands; and shall render such accounts thereof as the district judge requires.

*MAR. 3, 1897 (SEC. 4).

S. L. 29, p. 689 (R. S. 4541).

That section forty-five hundred and forty-one of the Revised Statutes be, and is hereby, amended by striking out the words "district judge for the district," in the seventh line of said section, and substituting in place thereof the words * "circuit court of the circuit"; and that said section be, and is hereby, further amended by striking out the words "district judge" where they occur in the eleventh and twelfth lines of said section and substituting in place thereof the words "circuit court."

* "district court for the district"—May 28, 1896.

*R. S. 4542.

June 7, 1872 (Sec. 47), S. L. 17, p. 272.

PAYMENT OF WAGES IN CASE OF DEATH WITHIN THE UNITED STATES.

Whenever any seaman or apprentice dies in the United States, and is, at the time of his death, entitled to claim from the master or owner of any vessel in which he has served, any unpaid wages or effects, such master or owner shall pay and deliver, or account for the same, to the shipping-commissioner at the port where the seaman or apprentice was discharged, or was to have been discharged.

*MAR. 3, 1897 (SEC. 6).

S. L. 29, p. 689 (R. S. 4542).

That section forty-five hundred and forty-two of the Revised Statutes be, and is hereby, amended by adding thereto the words "or where he died."

*R. S. 4543.

June 7, 1872 (Sec. 48), S. L. 17, p. 272.

PAYMENT TO CIRCUIT COURT.

Every shipping-commissioner in the United States shall, within one week from the date of receiving any such money, wages, or effects of any deceased seaman or apprentice, pay, remit, or deliver to the *circuit court of the circuit in which he resides, the money, wages, or effects, subject to such deductions as may be allowed by the **circuit court for expenses incurred in respect to such money and effects; and should any commissioner fail to pay, remit, and deliver the same to the **circuit court, within the time hereinbefore mentioned, he shall incur a penalty of not more than treble the value of such money and effects.

* "district court of the district"—May 28, 1896.

** "district court"—May 28, 1896.

*R. S. 4544.

June 7, 1872 (Sec. 49), S. L. 17, p. 272.

DISTRIBUTION OF SEAMAN'S MONEY AND EFFECTS BY CIRCUIT COURT.

If the money and effects of any seaman or apprentice paid, remitted, or delivered to the *circuit court, including the moneys received for any part of his effects which have been sold, either before delivery to the *circuit court, or by its directions, do not exceed in value the sum of three hundred dollars, then, subject to the provisions hereinafter contained, and to all such deductions for expenses incurred in respect to the seaman or apprentice, or of his money and effects, as the said court thinks fit to allow, the court may pay and deliver the said money and effects to any claimants who can prove themselves either to be his widow or children, or to be entitled to the effects of the deceased under his will, or under any statute, or at common law, or to be entitled to procure probate, or take out letters of administration or confirmation, although no probate or letters of administration or confirmation have been taken out, and shall be thereby discharged from all further liability in respect of the money and effects so paid and delivered; or

* "district court"—May 28, 1896.

may, if it thinks fit so to do, require probate, or letters of administration or confirmation, to be taken out, and thereupon pay and deliver the said money and effects to the legal personal representative of the deceased; and if such money and effects exceed in value the sum of three hundred dollars, then, subject to deduction for expenses, the court shall pay and deliver the same to the legal personal representatives of the deceased.

R. S. 4545.

June 7, 1872 (Sec. 50), S. L. 17, p. 273.

UNCLAIMED WAGES AND EFFECTS OF DECEASED SEAMEN.

When no claim to the wages or effects of a deceased seaman or apprentice, received by a circuit court, is substantiated within six years after the receipt thereof by the court, it shall be in the absolute discretion of the court, if any subsequent claim is made, either to allow or refuse the same. Such courts shall, from time to time, pay any moneys arising from the unclaimed wages and effects of deceased seamen, which, in their opinion, it is not necessary to retain for the purpose of satisfying claims, into the Treasury of the United States, and such moneys shall form a fund for, and be appropriated to, the relief of sick and disabled and destitute seamen belonging to the United States merchant marine service.

*MARCH 3, 1897 (SEC. 7).

S. L. 29, p. 689 (R. S. 4545).

SEC. 4545. A *circuit court, in its discretion, may at any time direct the sale of the whole or any part of the effects of a deceased seaman or apprentice, which it has received or may hereafter receive, and shall hold the proceeds of such sale as the wages of deceased seamen are held. When no claim to the wages or effects or proceeds of the sale of the effects of a deceased seaman or apprentice, received by a circuit court, is substantiated within six years after the receipt thereof by the court, it shall be in the absolute discretion of the court, if any subsequent claim is made, either to allow or refuse the same. Such courts shall, from time to time, pay any moneys arising from the unclaimed wages and effects of deceased seamen, which in their opinion it is not necessary to retain for the purpose of satisfying claims, into the Treasury of the United States, and such moneys shall form a fund for, and be appropriated to, the relief of sick and disabled and destitute seamen belonging to the United States merchant marine service.

* "district court"—May 28, 1896.

OFFENSES AND PUNISHMENTS.

(See also "Shipping Articles," "Illtreatment of Seamen," "Crimes.")

*R. S. 4079.

June 11, 1864 (Sec. 1), S. L. 13, p. 121.

POWERS OF FOREIGN CONSULS OVER DISPUTES BETWEEN SEAMEN.

Whenever it is stipulated by treaty or convention between the United States and any foreign nation that the consul-general, consuls, vice-consuls, or consular or commercial agents of each nation, shall have exclusive jurisdiction of controversies, difficulties, or disorders arising at sea or in the waters or ports of the other nation, between the master or officers and any of the crew, or between any of the crew themselves, of any vessel belonging to the nation represented by such consular officer, such stipulations shall be executed and enforced within the jurisdiction of the United States as hereinafter declared. But before this section shall take effect as to the vessels of any particular nation having such treaty with the United States, the President shall be satisfied that similar provisions have been made for the execution of such treaty by the other contracting party, and shall issue his proclamation to that effect, declaring this section to be in force as to such nation.

*R. S. 4080.

June 11, 1864 (Sec. 2), S. L. 13, p. 121.

ARREST OF SEAMEN ON APPLICATION OF CONSUL.

In all cases within the purview of the preceding section the consul-general, consul, or other consular or commercial authority of such foreign nation charged with the appropriate duty in the particular case, may make application to any court of record of the United States, or to any judge thereof, or to any commissioner of a *circuit court, setting forth that such controversy, difficulty, or disorder has arisen, briefly stating the nature thereof, and when and where the same occurred, and exhibiting a certified copy or extract of the shipping articles, roll, or other proper paper of the vessel, to the effect that the person in question is of the crew or ship's company of such vessel; and further stating and certifying that such person has withdrawn himself, or is believed to be about to withdraw himself, from the control and discipline of the master and officers of the vessel, or that he has refused, or is about to refuse, to submit to and obey the lawful

* "district court"—May 28, 1896.

jurisdiction of such consular or commercial authority in the premises; and further stating and certifying that, to the best of the knowledge and belief of the officer certifying, such person is not a citizen of the United States. Such application shall be in writing and duly authenticated by the consular or other sufficient official seal. Thereupon such court, judge, or commissioner shall issue his warrant for the arrest of the person so complained of, directed to the marshal of the United States for the appropriate district, or in his discretion to any person, being a citizen of the United States, whom he may specially depute for the purpose, requiring such person to be brought before him for examination at a certain time and place.

*R. S. 4081.

June 11, 1864 (Sec. 2), S. L. 13, p. 121.

COMMITMENT AND DISCHARGE.

If, on such examination, it is made to appear that the person so arrested is a citizen of the United States, he shall be forthwith discharged from arrest, and shall be left to the ordinary course of law. But if this is not made to appear, and such court, judge, or commissioner finds, upon the papers hereinbefore referred to, a sufficient *prima facie* case that the matter concerns only the internal order and discipline of such foreign vessel, or, whether in its nature civil or criminal, does not affect directly the execution of the laws of the United States, or the rights and duties of any citizen of the United States, he shall forthwith, by his warrant, commit such person to prison, where prisoners under sentence of a court of the United States may be lawfully committed, or, in his discretion, to the master or chief officer of such foreign vessel, to be subject to the lawful orders, control, and discipline of such master or chief officer, and to the jurisdiction of the consular or commercial authority of the nation to which such vessel belongs, to the exclusion of any authority or jurisdiction in the premises of the United States or any State thereof. No person shall be detained more than two months after his arrest, but at the end of that time shall be set at liberty and shall not again be arrested for the same cause. The expenses of the arrest and the detention of the person so arrested shall be paid by the consular officers making the application.

*MARCH 4, 1915 (SEC. 17).

S. L. 38, p. 1184 (R. S. 5280, 4081).

That upon the expiration after notice of the periods required, respectively, by said treaties and conventions and of one year in the case of the independent State of the Kongo, so much as hereinbefore de-

scribed in each and every one of said articles shall be deemed and held to have expired and to be of no force and effect, and thereupon section fifty-two hundred and eighty and so much of section four thousand and eighty-one of the Revised Statutes as relates to the arrest or imprisonment of officers and seamen deserting or charged with desertion from merchant vessels of foreign nations in the United States and Territories and possessions thereof, and for the co-operation, aid, and protection of competent legal authorities in effecting such arrest or imprisonment, shall be, and is hereby, repealed.

R. S. 4596.

June 7, 1872 (Sec. 51), S. L. 17, p. 273.

VARIOUS OFFENSES BY SEAMEN; PENALTIES.

Whenever any seaman who has been lawfully engaged, or any apprentice to the sea service, commits any of the following offenses, he shall be punishable as follows:

First. For desertion, by imprisonment for not more than three months, and by forfeiture of all or any part of the clothes or effects he leaves on board, and of all or any part of the wages or emoluments which he has then earned.

Second. For neglecting and refusing, without reasonable cause, to join his vessel, or to proceed to sea in his vessel, or for absence without leave at any time within twenty-four hours of the vessel sailing from any port, either at the commencement or during the progress of any voyage; or for absence at any time without leave, and without sufficient reason, from his vessel, or from his duty, not amounting to desertion or not treated as such by the master; by imprisonment for not more than one month, and also, at the discretion of the court, by forfeiture of his wages, of not more than two days' pay, and, for every twenty-four hours of absence, either a sum not exceeding six days' pay, or any expenses which have been properly incurred in hiring a substitute.

Third. For quitting the vessel without leave after her arrival at her port of delivery, and before she is placed in security, by forfeiture out of his wages of not more than one month's pay.

Fourth. For willful disobedience to any lawful command, by imprisonment for not more than two months, and also, at the discretion of the court, by forfeiture out of his wages of not more than four days' pay.

Fifth. For continued willful disobedience to lawful commands, or continued willful neglect of duty, by imprisonment for not more than six months, and also, at the discretion of the court, by forfeiture, for

every twenty-four hours' continuance of such disobedience or neglect, of either a sum not more than twelve days' pay, or sufficient to defray any expenses which have been properly incurred in hiring a substitute.

Sixth. For assaulting any master or mate, by imprisonment for not more than two years.

Seventh. For combining with any others of the crew to disobey lawful commands, or to neglect duty, or to impede navigation of the vessel, or the progress of the voyage, by imprisonment for not more than twelve months.

Eighth. For willfully damaging the vessel, or embezzling or willfully damaging any of the stores or cargo, by forfeiture out of his wages, of a sum equal in amount to the loss thereby sustained, and also, at the discretion of the court, by imprisonment for not more than twelve months.

Ninth. For any act of smuggling of which he is convicted, and whereby loss or damage is occasioned to the master or owner, he shall be liable to pay such master or owner such a sum as is sufficient to re-imburse the master or owner for such loss or damage; and the whole or any part of his wages may be retained in satisfaction or on account of such liability; and he shall also be liable to imprisonment for a period of not more than twelve months.

DEC. 21, 1898 (SEC. 19).

S. L. 30, p. 760 (R. S. 4596).

SEC. 4596. The words "domestic trade" in this section shall include trade between ports of the United States and trade between ports of the United States and the Dominion of Canada, Newfoundland, the West Indies, and Mexico. The words "foreign trade" shall include trade between ports of the United States and foreign ports, except as above specified, and trade between Atlantic and Pacific ports of the United States. Whenever any seaman who has been lawfully engaged or any apprentice to the sea service commits any of the following offenses he shall be punishable as follows:

First. For desertion, if the offense occur at a port of the United States, or a foreign port in the domestic trade, by forfeiture of all or any part of the clothes or effects he leaves on board and of all or any part of the wages or emoluments which he has then earned. If the offense occur at a foreign port in the foreign trade, by forfeiture of all or any part of the clothes or effects he leaves on board and of all or any part of the wages or emoluments which he has then earned; and also, at the discretion of the court, by imprisonment for not more than one month.

Second. For neglecting or refusing, without reasonable cause, to

join his vessel or to proceed to sea in his vessel, or for absence without leave at any time within twenty-four hours of the vessel's sailing from any port, either at the commencement or during the progress of any voyage, or for absence at any time without leave and without sufficient reason from his vessel or from his duty, not amounting to desertion or not treated as such by the master, if the offense occur at a port of the United States or a foreign port in the domestic trade, by a forfeiture from his wages of not more than two days' pay, or sufficient to defray any expenses which have been properly incurred in hiring a substitute; or if the offense occur at a foreign port, in the foreign trade, by a forfeiture from his wages of not more than two days' pay, or, at the discretion of the court, by imprisonment for not more than one month.

Third. For quitting the vessel, in whatever trade engaged, at a foreign or domestic port, without leave after her arrival at her port of delivery and before she is placed in security, by forfeiture from his wages of not more than one month's pay.

Fourth. For willful disobedience to any lawful command at sea, by being, at the option of the master, placed in irons until such disobedience shall cease, and upon arrival in port, if of the United States, by forfeiture from his wages of not more than four days' pay, or upon arrival in a foreign port by forfeiture from his wages of not more than four days' pay, or, at the discretion of the court, by imprisonment for not more than one month.

Fifth. For continued willful disobedience to lawful command or continued willful neglect of duty at sea by being, at the option of the master, placed in irons, on bread and water, with full rations every fifth day, until such disobedience shall cease, and upon arrival in port, if of the United States, by forfeiture, for every twenty-four hours' continuance of such disobedience or neglect, of either a sum of not more than twelve days' pay or sufficient to defray any expenses which have been properly incurred in hiring a substitute, or upon arrival in a foreign port, in addition to the above penalty, by imprisonment for not more than three months, at the discretion of the court.

Sixth. For assaulting any master or mate, in whatever trade engaged, by imprisonment for not more than two years.

Seventh. For willfully damaging the vessel, or embezzling or willfully damaging any of the stores or cargo, in whatever trade engaged, by forfeiture out of his wages of a sum equal in amount to the loss thereby sustained, and also, at the discretion of the court, by imprisonment for not more than twelve months.

Eighth. For any act of smuggling for which he is convicted, and whereby loss or damage is occasioned to the master or owner, in

whatever trade engaged, he shall be liable to pay such master or owner such a sum as is sufficient to reimburse the master or owner for such loss or damage; and the whole or any part of his wages may be retained in satisfaction or on account of such liability; and he shall be liable to imprisonment for a period of not more than twelve months.

*MAR. 4, 1915 (SEC. 7).

S. L. 38, p. 1166 (R. S. 4596).

SEC. 4596. Whenever any seaman who has been lawfully engaged or any apprentice to the sea service commits any of the following offenses, he shall be punishable as follows:

First. For desertion, by forfeiture of all or any part of the clothes or effects he leaves on board and of all or any part of the wages or emoluments which he has then earned.

Second. For neglecting or refusing without reasonable cause to join his vessel or to proceed to sea in his vessel, or for absence without leave at any time within twenty-four hours of the vessel's sailing from any port, either at the commencement or during the progress of the voyage, or for absence at any time without leave and without sufficient reason from his vessel and from his duty, not amounting to desertion, by forfeiture from his wages of not more than two days' pay, or sufficient to defray any expenses which shall have been properly incurred in hiring a substitute.

Third. For quitting the vessel without leave, after her arrival at the port of her delivery and before she is placed in security, by forfeiture from his wages of not more than one month's pay.

Fourth. For willful disobedience to any lawful command at sea, by being, at the option of the master, placed in irons until such disobedience shall cease, and upon arrival in port by forfeiture from his wages of not more than four days' pay, or, at the discretion of the court, by imprisonment for not more than one month.

Fifth. For continued willful disobedience to lawful command or continued willful neglect of duty at sea, by being, at the option of the master, placed in irons, on bread and water, with full rations every fifth day, until such disobedience shall cease, and upon arrival in port by forfeiture, for every twenty-four hours' continuance of such disobedience or neglect, of a sum of not more than twelve days' pay, or by imprisonment for not more than three months, at the discretion of the court.

Sixth. For assaulting any master or mate by imprisonment for not more than two years.

Seventh. For willfully damaging the vessel, or embezzling or will-

fully damaging any of the stores or cargo, by forfeiture out of his wages of a sum equal in amount to the loss thereby sustained, and also, at the discretion of the court, by imprisonment for not more than twelve months.

Eighth. For any act of smuggling for which he is convicted and whereby loss or damage is occasioned to the master or owner, he shall be liable to pay such master or owner such a sum as is sufficient to reimburse the master or owner for such loss or damage, and the whole or any part of his wages may be retained in satisfaction or on account of such liability, and he shall be liable to imprisonment for a period of not more than twelve months.

R. S. 4597.

June 7, 1872 (Sec. 52), S. L. 17, p. 274.

ENTRY OF OFFENSE IN LOG-BOOK.

Upon the commission of any of the offenses enumerated in the preceding section, an entry thereof shall be made in the official log-book, and shall be signed by the master, and by the mate or one of the crew; and the offender, if still in the vessel, shall, before her next arrival at any port, or if she is at the time in port, before her departure therefrom, either be furnished with a copy of such entry, or have the same read over distinctly and audibly to him, and may thereupon make such reply thereto as he thinks fit; and a statement that a copy of the entry has been so furnished, or the same has been so read over, together with the reply, if any, made by the offender, shall likewise be entered and signed in the same manner. In any subsequent legal proceedings the entries hereinbefore required shall, if practicable, be produced or proved, and in default of such production or proof, the court hearing the case may, at its discretion, refuse to receive evidence of the offense.

*DEC. 21. 1898 (SEC. 20).

S. L. 30, p. 761 (R. S. 4597).

SEC. 4597 Upon the commission of any of the offenses enumerated in the preceding section an entry thereof shall be made in the official log-book on the day on which the offense was committed, and shall be signed by the master and by the mate or one of the crew; and the offender, if still in the vessel, shall, before her next arrival at any port, or, if she is at the time in port, before her departure therefrom, be furnished with a copy of such entry, and have the same read over distinctly and audibly to him, and may thereupon make such a reply

thereto as he thinks fit; and a statement that a copy of the entry has been so furnished, or the same has been so read over, together with his reply, if any, made by the offender, shall likewise be entered and signed in the same manner. In any subsequent legal proceedings the entries hereinbefore required shall, if practicable, be produced or proved, and in default of such production or proof the court hearing the case may, at its discretion, refuse to receive evidence of the offense.

R. S. 4598.

July 20, 1790 (Sec. 7), S. L. 1, p. 134.

DESERTERS MAY BE APPREHENDED ON JUSTICE'S WARRANT.

If any seaman who shall have signed a contract to perform a voyage shall, at any port or place, desert, or shall absent himself from such vessel, without leave of the master, or officer commanding in the absence of the master, it shall be lawful for any justice of the peace within the United States, upon the complaint of the master, to issue his warrant to apprehend such deserter, and bring him before such justice; and if it then appears that he has signed a contract within the intent and meaning of this Title, and that the voyage agreed for is not finished, or altered, or the contract otherwise dissolved, and that such seaman has deserted the vessel, or absented himself without leave, the justice shall commit him to the house of correction or common jail of the city, town, or place, to remain there until the vessel shall be ready to proceed on her voyage, or till the master shall require his discharge, and then to be delivered to the master, he paying all the cost of such commitment, and deducting the same out of the wages due to such seaman.

R. S. 4599.

June 7, 1872 (Sec. 53), S. L. 17, p. 274.

ARREST OF SEAMAN WITHOUT WARRANT, WHEN ALLOWABLE.

Whenever, either at the commencement of or during any voyage, any seaman or apprentice neglects or refuses to join, or deserts from or refuses to proceed to sea in, any vessel in which he is duly engaged to serve, or is found otherwise absenting himself therefrom without leave, the master, or any mate, or the owner, or consignee, or shipping commissioner, may, in any place in the United States, with or without the assistance of the local public officers or constables, who are hereby directed to give their assistance if required, and also at any place out of the United States, if and so far as the laws in force at such place will permit, apprehend him without first procuring

a warrant; and may thereupon, in any case, and shall in case he so requires and it is practicable, convey him before any court of justice or magistrate of any State, city, town, or county, within the United States, authorized to take cognizance of offenses of like degree and kind, to be dealt with according to the provisions of law governing such cases; and may, for the purpose of conveying him before such court or magistrate, detain him in custody for a period not exceeding twenty-four hours, or may, if he does not so require, or if there is no such court at or near the place, at once convey him on board. If such apprehension appears to the court or magistrate before whom the case is brought to have been made on improper or on insufficient grounds, the master, mate, consignee, or shipping-commissioner who makes the same, or causes the same to be made, shall be liable to a penalty of not more than one hundred dollars; but such penalty, if inflicted, shall be a bar to any action for false imprisonment.

R. S. 4600.

July 20, 1840 (Sec. 17), S. L. 5, p. 394; June 7, 1872 (Sec. 56),
S. L. 17, p. 275.

RECLAMATION AND DISCHARGE OF DESERTERS BY CONSULAR OFFICERS.

It shall be the duty of consular officers to reclaim deserters and discountenance insubordination by every means within their power; and where the local authorities can be usefully employed for that purpose, to lend their aid and use their exertions to that end, in the most effectual manner. In all cases where deserters are apprehended, the consular officer shall inquire into the facts; and if he is satisfied that the desertion was caused by unusual or cruel treatment, the seaman shall be discharged, and receive, in addition to his wages to the time of the discharge, three months' pay; and the officer discharging him shall enter upon the crew-list and shipping-articles the cause of discharge, and the particulars in which the cruelty or unusual treatment consisted, and subscribe his name thereto, officially.

JUNE 26, 1884 (SEC. 6).

S. L. 23, p. 53 (R. S. 4600).

SEC. 4600. It shall be the duty of consular officers to reclaim deserters and discountenance insubordination by every means within their power, and where the local authorities can be usefully employed for that purpose, to lend their aid and use their exertions to that end in the most effectual manner. In all cases where deserters are apprehended the consular officer shall inquire into the facts; and if he is

satisfied that the desertion was caused by unusual or cruel treatment, he shall discharge the seaman, and require the master of the vessel from which such seaman is discharged to pay one month's wages over and above the wages then due; and the officer discharging such seaman shall enter upon the crew-list and shipping articles the cause of discharge, and the particulars in which the cruelty or unusual treatment consisted, and the facts as to his discharge or re-engagement, as the case may be, and subscribe his name thereto officially.

DEC. 21, 1898 (SEC. 21).

S. L. 30, p. 755 (R. S. 4600).

SEC. 4600. It shall be the duty of all consular officers to reclaim deserters, discountenance insubordination by every means in their power, and, where the local authorities can be usefully employed for that purpose, to lend their aid and use their exertions to that end in the most effectual manner. In all cases where seamen or officers are accused the consular officer shall inquire into the facts and proceed as provided in section forty-five hundred and eighty-three of the Revised Statutes; and the officer discharging such seamen shall enter upon the crew list and shipping articles and official log the cause of discharge and the particulars in which the cruel or unusual treatment consisted, and subscribe his name thereto officially. He shall read the entry made in the official log to the master, and his reply thereto, if any, shall likewise be entered and subscribed in the same manner.

*MARCH 4, 1915 (SEC. 8).

S. L. 38, p. 1167 (R. S. 4600).

SEC. 4600. It shall be the duty of all consular officers to discountenance insubordination by every means in their power and, where the local authorities can be usefully employed for that purpose, to lend their aid and use their exertions to that end in the most effectual manner. In all cases where seamen or officers are accused, the consular officer shall inquire into the facts and proceed as provided in Section 4583 of the Revised Statutes. The officer discharging such seaman shall enter upon the crew list and shipping articles and official log the cause of such discharge and the particulars in which the cruel or unusual treatment consisted, and subscribe his name thereto officially. He shall read the entry made in the official log to the master, and his reply thereto, if any, shall likewise be entered and subscribed in the same manner.

*R. S. 4602.

June 7, 1872 (Sec. 54), S. L. 17, p. 274.

PENALTY FOR DRUNKENNESS OR NEGLECT OF DUTY.

Any master of, or any seaman or apprentice belonging to, any merchant-vessel, who, by willful breach of duty, or by reason of drunkenness, does any act tending to the immediate loss or destruction of, or serious damage to such vessel, or tending immediately to endanger the life or limb of any person belonging to or on board of such vessel; or who, by willful breach of duty, or by neglect of duty, or by reason of drunkenness, refuses or omits to do any lawful act proper and requisite to be done by him for preserving such vessel from immediate loss, destruction, or serious damage, or for preserving any person belonging to or on board of such ship from immediate danger to life or limb, shall, for every such offense, be deemed guilty of a misdemeanor, punishable by imprisonment for not more than twelve months.

*R. S. 4604.

June 7, 1872 (Sec. 55), S. L. 17, p. 274.

DISPOSAL OF FORFEITURES.

All clothes, effects, and wages which, under the provisions of this title, are forfeited for desertion, shall be applied, in the first instance, in payment of the expenses occasioned by such desertion, to the master or owner of the vessel from which the desertion has taken place, and the balance, if any, shall be paid by the master or owner to any shipping-commissioner resident at the port at which the voyage of such vessel terminates; and the shipping-commissioner shall account for and pay over such balance to the judge of the *circuit court within one month after the commissioner receives the same, to be disposed of by him in the same manner as is prescribed for the disposal of the money, effects, and wages of deceased seamen. Whenever any master or owner neglects or refuses to pay over to the shipping-commissioner such balance, he shall be liable to a penalty of double the amount thereof, recoverable by the commissioner in the same manner that seamen's wages are recovered. In all other cases of forfeiture of wages, the forfeiture shall be for the benefit of the master or owner by whom the wages are payable.

* "district court"—May 28, 1896.

*R. S. 4608.

July 27, 1866 (Secs. 1, 2), S. L. 14, p. 304.

CARRYING SHEATH-KNIVES PROHIBITED.

No seaman in the merchant-service shall wear any sheath-knife on shipboard. It shall be the duty of the master of any vessel registered, enrolled, or licensed under the laws of the United States, and of the person entering into contract for the employment of a seaman upon any such vessel, to inform every person offering to ship himself of the provisions of this section, and to require his compliance therewith, under a penalty of fifty dollars for each omission, to be sued for and recovered in the name of the United States, under the direction of the Secretary of the Treasury; one-half for the benefit of the informer, and the other half for the benefit of the fund for the relief of sick and disabled seamen.

*R. S. 4610.

June 7, 1872 (Sec. 64), S. L. 17, p. 276.

PENALTIES AND FORFEITURES, AND HOW RECORDED.

All penalties and forfeitures imposed by this Title, for the recovery whereof no specific mode is herein before provided, may be recovered, with costs, in any *circuit court of the United States, at the suit of any district attorney of the United States, or at the suit of any person by information to any district attorney in any port of the United States, where or near to where the offense is committed or the offender is found; and if a conviction is had, and the sum imposed as a penalty by the court is not paid either immediately after the conviction, or within such period as the court at the time of the conviction appoints, it shall be lawful for the court to commit the offender to prison, there to be imprisoned for the term hereinbefore provided in case of such offense, the commitment to be terminable upon payment of the amount and costs; and all penalties and forfeitures mentioned in this Title for which no special application is provided, shall, when recovered, be paid and applied in manner following: So much as the court shall determine, and the residue shall be paid to the court and be remitted from time to time, by order of the judge, to the Treasury of the United States, and appropriated as provided for in section forty-five hundred and forty-five: *Provided always*, That it shall be lawful for the court before which any proceeding shall be instituted for the recovery of any pecuniary penalty imposed by this act, to mitigate or reduce such penalty as to such court shall appear just and reasonable; but no such penalty shall be reduced to less than one-third of its original

* "district court"—May 28, 1896.

amount: *Provided also*, That all proceedings so to be instituted shall be commenced within two years next after the commission of the offense, if the same shall have been committed at or beyond the Cape of Good Hope or Cape Horn, or within one year if committed elsewhere, or within two months after the return of the offender and the complaining party to the United States; and there shall be no appeal from any decision of any of the *circuit courts, unless the amount sued for exceeds the sum of five hundred dollars.

* "district courts"—May 28, 1896.

R. S. 5280.

March 2, 1829, S. L. 4, p. 359; Feb. 24, 1855, S. L. 10, p. 614.

ARREST OF DESERTING SEAMEN FROM FOREIGN VESSELS.

On application of a consul or vice-consul of any foreign government having a treaty with the United States stipulating for the restoration of seamen deserting, made in writing, stating that the person therein named has deserted from a vessel of any such government, while in any port of the United States, and on proof by the exhibition of the register of the vessel, ship's roll, or other official document, that the person named belonged, at the time of desertion, to the crew of such vessel, it shall be the duty of any court, judge, commissioner of any circuit court, justice, or other magistrate, having competent power, to issue warrants to cause such person to be arrested for examination. If, on examination, the facts stated are found to be true, the person arrested not being a citizen of the United States, shall be delivered up to the consul or vice-consul, to be sent back to the dominions of any such government, or, on the request and at the expense of the consul or vice-consul, shall be detained until the consul or vice-consul finds an opportunity to send him back to the dominions of any such government. No person so arrested shall be detained more than two months after his arrest; but at the end of that time shall be set at liberty, and shall not be again molested for the same cause. If any such deserter shall be found to have committed any crime or offense, his surrender may be delayed until the tribunal before which the case shall be depending, or may be cognizable, shall have pronounced its sentence, and such sentence shall have been carried into effect.

CRIMES.

(See also "Offenses and Punishments.")

*R. S. 730.

April 30, 1790 (Sec. 8), S. L. 1, p. 113; April 20, 1818 (Sec. 4), S. L. 3, p. 448; May 15, 1820 (Secs. 3, 4, 5), S. L. 3, p. 600; March 3, 1825 (Secs. 5, 14), S. L. 4, pp. 115, 118; March 3, 1847, S. L. 9, p. 175.

OFFENSES ON THE HIGH SEAS, ETC., WHERE TRIABLE.

The trial of all offenses committed upon the high seas or elsewhere, out of the jurisdiction of any particular State or district, shall be in the district where the offender is found, or into which he is first brought.

*R. S. 4300.

June 11, 1864 (Sec. 2), S. L. 13, p. 124.

WHEN SUMMARY TRIALS MAY BE HAD.

Whenever a complaint shall be made against any master, officer, or seaman of any vessel belonging, in whole or in part, to any citizen of the United States, of the commission of any offense, not capital or otherwise infamous, against any law of the United States made for the protection of persons or property engaged in commerce or navigation, it shall be the duty of the district attorney to investigate the same, and the general nature thereof, and if, in his opinion, the case is such as should be summarily tried, he shall report the same to the district judge, and the judge shall forthwith, or as soon as the ordinary business of the court will permit, proceed to try the cause, and for that purpose may, if necessary, hold a special session of the court, either in term-time or vacation.

*R. S. 4301.

June 11, 1864 (Secs. 3, 4), S. L. 13, p. 125.

COMPLAINT AND ANSWER.

At the summary trial of offenses against the laws for the protection of persons or property engaged in commerce or navigation, it shall not be necessary that the accused shall have been previously indicted, but a statement of complaint, verified by oath in writing, shall be presented to the court, setting out the offense in such manner as clearly

to apprise the accused of the character of the offense complained of, and to enable him to answer the complaint. The complaint or statement shall be read to the accused, who may plead to or answer the same, or make a counter-statement. The trial shall thereupon be proceeded with in a summary manner, and the case shall be decided by the court, unless, at the time for pleading or answering, the accused shall demand a jury, in which case the trial shall be upon the complaint and plea of not guilty.

*R. S. 4302.

June 11, 1864 (Sec. 6), S. L. 13, p. 125.

AMENDMENTS AND ADJOURNMENTS.

It shall be lawful for the court to allow the district attorney to amend his statement of complaint at any stage of the proceedings, before verdict, if, in the opinion of the court, such amendment will work no injustice to the accused; and if it appears to the court that the accused is unprepared to meet the charge as amended, and that an adjournment of the cause will promote the ends of justice, such adjournment shall be made, until a further day, to be fixed by the court.

*R. S. 4303.

June 11, 1864 (Sec. 7), S. L. 13, p. 125.

CHALLENGES TO JURORS.

At the trial in summary cases, if by jury, the United States and the accused shall each be entitled to three peremptory challenges. Challenges for cause, in such cases, shall be tried by the court without the aid of triers.

*R. S. 4304.

June 11, 1864 (Sec. 5), S. L. 13, p. 125.

LIMIT OF SENTENCES.

It shall not be lawful for the court to sentence any person convicted in such trial to any greater punishment than imprisonment in jail for one year, or to a fine exceeding five hundred dollars, or both, in its discretion, in those cases where the laws of the United States authorize such imprisonment and fine.

*R. S. 4305.

Dec. 31, 1792 (Sec. 29), S. L. 1, p. 298.

RECOVERY OF PENALTIES AND FORFEITURES UNDER NAVIGATION LAWS.

All the penalties and forfeitures which may be incurred for offenses against this Title may be sued for, prosecuted, and recovered in such court, and be disposed of in such manner, as any penalties and forfeitures which may be incurred for offenses against the laws relating to the collection of duties, except when otherwise expressly prescribed.

*SEPT. 4, 1890.

S. L. 26, p. 424.

JURISDICTION EXTENDED OVER GREAT LAKES, ETC.

That every person who shall, upon any vessel registered or enrolled under the laws of the United States, and being on a voyage upon the waters of any of the Great Lakes, namely, Lake Superior, Lake Michigan, Lake Huron, Lake Saint Clair, Lake Erie, Lake Ontario, or any of the waters connecting any of the said lakes, commit or be guilty of any of the acts, neglects, or omissions, respectively, mentioned in chapter three of title seventy [Secs. 5339-5391] of the Revised Statutes of the United States shall, upon conviction thereof, be punished with the same punishments in the said title and chapter, respectively, affixed to the same offenses therein mentioned, respectively.

SEC. 2. That the circuit and district courts of the United States, respectively, are hereby vested with the same jurisdiction in respect of the offenses mentioned in the first section of this act that they by law have and possess in respect of the offenses in said chapter and title in the first section of this act mentioned, and said courts, respectively, are also for the purpose of this act vested with all and the same jurisdiction they, respectively, have by force of title thirteen, chapter three [Secs. 563-571], and title thirteen, chapter seven [Secs. 629-657], of the Revised Statutes of the United States.

*MARCH 4, 1909 (SEC. 272).

S. L. 35, p. 1142.

PLACES AND WATERS APPLICABLE.

SEC. 272. The crimes and offenses defined in this chapter [Chap. xi.] shall be punished as herein prescribed:

First. When committed upon the high seas, or on any other waters within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State, or when

committed within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State on board any vessel belonging in whole or in part to the United States or any citizen thereof, or to any corporation created by or under the laws of the United States, or of any State, Territory, or District thereof.

Second. When committed upon any vessel registered, licensed, or enrolled under the laws of the United States, and being on a voyage upon the waters of any of the Great Lakes, namely: Lake Superior, Lake Michigan, Lake Huron, Lake Saint Clair, Lake Erie, Lake Ontario, or any of the waters connecting any of said lakes, or upon the River Saint Lawrence where the same constitutes the International boundary line.

Third. When committed within or on any lands reserved or acquired for the exclusive use of the United States, and under the exclusive jurisdiction thereof, or any place purchased or otherwise acquired by the United States by consent of the legislature of the State in which the same shall be, for the erection of a fort, magazine, arsenal, dockyard, or other needful building.

Fourth. On any island, rock, or key, containing deposits of guano, which may, at the discretion of the President, be considered as appertaining to the United States.

*MARCH 4, 1909 (SEC. 310).

S. L. 35, p. 1148.

"VESSEL OF THE UNITED STATES" DEFINED.

SEC. 310. The words "vessel of the United States," wherever they occur in this chapter [Chap. xii.], shall be construed to mean a vessel belonging in whole or in part to the United States, or any citizen thereof, or any corporation created by or under the laws of the United States, or of any State, Territory, or District thereof.

*MARCH 3, 1911 (SECS. 42, 43).

S. L. 36, p. 1100.

OFFENSE BEGUN IN ONE DISTRICT AND COMPLETED IN ANOTHER.

SEC. 42. When any offense against the United States is begun in one judicial district and completed in another, it shall be deemed to have been committed in either, and may be dealt with, inquired of,

tried, determined, and punished in either district, in the same manner as if it had been actually and wholly committed therein.

SEC. 43. All pecuniary penalties and forfeitures may be sued for and recovered either in the district where they accrue or in the district where the offender is found.

ABANDONMENT OF SEAMEN.

R. S. 5363.

March 3, 1825 (Sec. 10), S. L. 4, p. 117.

FORCIBLE ABANDONMENT OF OFFICER OR MARINER IN FOREIGN PORT.

Every master or commander of any vessel belonging, in whole or part, to any citizen of the United States, who, during his being abroad, maliciously and without justifiable cause forces any officer or mariner of such vessel on shore, in order to leave him behind in any foreign port or place, or refuses to bring home again all such officers and mariners of such vessel whom he carried out with him as are in a condition to return and willing to return, when he is ready to proceed on his homeward voyage, shall be punished by a fine of not more than five hundred dollars, or by imprisonment not more than six months.

*MARCH 4, 1909 (SEC. 295)

S. L. 35, p. 1146 (R. S. 5363).

SEC. 295. Whoever, being master or commander of a vessel of the United States, while abroad, maliciously and without justifiable cause forces any officer or mariner of such vessel on shore, in order to leave him behind in any foreign port or place, or refuses to bring home again all such officers and mariners of such vessel whom he carried out with him, as are in a condition to return and willing to return, when he is ready to proceed on his homeward voyage, shall be fined not more than five hundred dollars, or imprisoned not more than six months, or both.

ARSON.

R. S. 5385.

March 3, 1825 (Sec. 1), S. L. 4, p. 115.

ARSON OF DWELLING HOUSE WITHIN A FORT, ETC.

Every person who, within any fort, dock-yard, navy-yard, arsenal, armory, or magazine, the site whereof is under the jurisdiction of the United States, or on the site of any light-house, or other needful

building belonging to the United States, the site whereof is under their jurisdiction, willfully and maliciously burns any dwelling-house, or mansion-house, or any store, barn, stable, or other building, parcel of any dwelling or mansion-house, shall suffer death.

*MARCH 4, 1909 (SEC. 285)

S. L. 35, p. 1144 (R. S. 5385).

SEC. 285. Whoever shall willfully and maliciously set fire to, burn, or attempt to burn, or by means of a dangerous explosive destroy or attempt to destroy, any dwelling house, or any store, barn, stable, or other building, parcel of a dwelling house, shall be imprisoned not more than twenty years.

R. S. 5386.

March 3, 1825 (Sec. 2), S. L. 4, p. 115.

ARSON OF ARMORY, ARSENAL, ETC.

Every person who, in any of the places mentioned in the preceding section, maliciously sets fire to, or burns, any arsenal, armory, magazine, rope-walk, ship-house, warehouse, block-house, or barrack, or any store-house, barn, or stable, not parcel of a dwelling-house, or any other building not mentioned in such section, or any vessel built, or begun to be built, or repairing, or any light-house, or beacon, or any timber, cables, rigging, or other materials for building, repairing, or fitting out vessels, or any pile of wood, boards, or other lumber, or any military, naval, or victualing stores, arms, or other munitions of war, shall be punished by a fine of not more than five thousand dollars, and by imprisonment at hard labor not more than ten years.

R. S. 5387.

March 3, 1825 (Sec. 11), S. L. 4, p. 115.

Every person who maliciously sets on fire, or burns, or otherwise destroys, any vessel of war of the United States, afloat on the high seas, or in any arm of the sea, or in any river, haven, creek, basin, or bay within the admiralty jurisdiction of the United States, and out of the jurisdiction of any particular State, shall suffer death.

*MARCH 4, 1909 (SEC. 286).

S. L. 35, p. 1144 (R. S. 5386, 5387).

SEC. 286. Whoever shall maliciously set fire to, burn, or attempt to burn, or by any means destroy or injure, or attempt to destroy or

injure, any arsenal, armory, magazine, rope-walk, ship-house, ware-house, block-house, or barrack, or any store-house, barn, or stable, not parcel of a dwelling house, or any other building not mentioned in the section last preceding, or any vessel built, building, or undergoing repair, or any lighthouse, or beacon, or any machinery, timber, cables, rigging, or other materials or appliances for building, repairing, or fitting out vessels, or any pile of wood, boards, or other lumber, or any military, naval, or victualing stores, arms, or other munitions of war, shall be fined not more than five thousand dollars and imprisoned not more than twenty years.

CASTING AWAY VESSEL.

R. S. 5365.

March 26, 1804 (Sec. 2), S. L. 2, p. 290.

OWNER DESTROYING VESSEL AT SEA.

Every person who, on the high seas, willfully and corruptly casts away or otherwise destroys any vessel of which he is owner, in whole or part, with intent to prejudice any person that may underwrite any policy of insurance thereon, or any merchant that may have goods thereon, or any other owner of such vessel, shall suffer death.

AUGUST 6, 1894 (SEC. 1.)

S. L. 28, p. 233 (R. S. 5365).

SEC. 5365. Every person who, on the high seas, willfully and corruptly casts away or otherwise destroys any vessel of which he is owner, in whole or in part, with intent to prejudice any person that may underwrite any policy of insurance thereon, or any merchant that may have goods thereon, or any other owner of such vessel, shall be punished by imprisonment for life, or for any term of years.

*MARCH 4, 1909 (SEC. 300).

S. L. 35, p. 1147 (R. S. 5365).

SEC. 300. Whoever, upon the high seas or on any other waters within the admiralty and maritime jurisdiction of the United States, willfully and corruptly casts away or otherwise destroys any vessel, of which he is owner, in whole or in part, with intent to prejudice any person that may underwrite any policy of insurance thereon, or any merchant that may have goods thereon, or any other owner of such vessel, shall be imprisoned for life or for any term of years.

R. S. 5366.

March 26, 1804 (Sec. 1), S. L. 2, p. 290.

OTHER PERSONS DESTROYING VESSEL AT SEA.

Every person, not being an owner, who, on the high seas, willfully and corruptly casts away or otherwise destroys any vessel to which he belongs, being the property of any citizen, shall suffer death.

AUGUST 6, 1894 (SECS. 2, 3).

S. L. 28, p. 233 (R. S. 5366).

SEC. 5366. Every person, not being an owner, who, on the high seas, willfully and corruptly casts away or otherwise destroys any vessel to which he belongs, being the property of any citizen, shall be punished by imprisonment for life, or for any term of years.

R. S. 5367.

July 29, 1850 (Sec. 7), S. L. 9, p. 441.

ATTEMPT TO DESTROY VESSEL AT SEA.

Every person, not being an owner, who, on the high seas, willfully, with intent to destroy the same, sets fire to any vessel, or otherwise attempts the destruction thereof, being the property of any citizen, shall suffer imprisonment at hard labor for a term not more than ten years nor less than three years.

*MARCH 4, 1909 (SEC. 301).

S. L. 35, p. 1147 (R. S. 5366, 5367).

SEC. 301. Whoever, not being an owner, upon the high seas or on any other waters within the admiralty and maritime jurisdiction of the United States, willfully and corruptly casts away or otherwise destroys any vessel of the United States to which he belongs, or willfully with intent to destroy the same, sets fire to any such vessel, or, otherwise attempts the destruction thereof, shall be imprisoned not more than ten years.

MAIMING.

R. S. 5348.

April 30, 1790 (Sec. 13), S. L. 1, p. 115.

MAIMING, ETC.

Every person who, within any of the places upon the land under the exclusive jurisdiction of the United States, or who, upon the high seas, in any vessel belonging to the United States, or to any

citizen thereof, maliciously cuts off the ear, cuts out or disables the tongue, puts out an eye, slits the nose, cuts off the nose or lip, or cuts off or disables any limb or member of any person, with intent to maim or disfigure such person, shall be imprisoned at hard labor not more than seven years, and fined not more than one thousand dollars.

*MARCH 4, 1909 (SEC. 283).

S. L. 35, p. 1144 (R. S. 5348).

SEC. 283. Whoever, with intent to maim or disfigure, shall cut, bite, or slit, the nose, ear, or lip, or cut out or disable the tongue, or put out or destroy an eye, or cut off or disable a limb or any member of another person; or whoever, with like intent, shall throw or pour upon another person, any scalding hot water, vitriol, or other corrosive acid, or caustic substance whatever, shall be fined not more than one thousand dollars, or imprisoned not more than seven years, or both.

MURDER, MANSLAUGHTER, RAPE, ETC.

R. S. 5339.

April 30, 1790 (Sec. 3), S. L. 1, p. 113; March 3, 1825 (Sec. 4), S. L. 4, p. 115; March 3, 1875, S. L. 18, pp. 479, 480.

Every person who commits murder—

First. Within any fort, arsenal, dock-yard, magazine, or in any other place or district of country under the exclusive jurisdiction of the United States;

Second. Or upon the high seas, or in any arm of the sea, or in any river, haven, creek, basin, or bay within the admiralty and maritime jurisdiction of the United States, and out of the jurisdiction of any particular State;

Third. Or who upon any such waters maliciously strikes, stabs, wounds, poisons, or shoots at any other person, of which striking, stabbing, wounding, poisoning, or shooting such other person dies, either on land or at sea, within or without the United States, shall suffer death.

*MARCH 4, 1909 (SEC. 275).

S. L. 35, p. 1143 (R. S. 5339).

SEC. 275. Every person guilty of murder in the first degree shall suffer death. Every person guilty of murder in the second degree shall be imprisoned not less than ten years and may be imprisoned for life.

*MARCH 4, 1909 (SEC. 273).

S. L. 35, p. 1143.

"MURDER" DEFINED.

SEC. 273. Murder is the unlawful killing of a human being with malice aforethought. Every murder perpetrated by poison, lying in wait, or any other kind of willful, deliberate, malicious, and premeditated killing; or committed in the perpetration of, or attempt to perpetrate, any arson, rape, burglary, or robbery; or perpetrated from a premeditated design unlawfully and maliciously to effect the death of any human being other than him who is killed, is murder in the first degree. Any other murder is murder in the second degree.

R. S. 5341.

April 30, 1790 (Sec. 7), S. L. 1, p. 113; March 3, 1857 (Sec. 1), S. L. 11, p. 250.

MANSLAUGHTER.

Every person who, within any of the places or upon any of the waters described in section fifty-three hundred and thirty-nine, unlawfully and willfully, but without malice, strikes, stabs, wounds, or shoots, at, or otherwise injures another, of which striking, stabbing, wounding, shooting, or other injury such other person dies, either on land or sea, within or without the United States, is guilty of the crime of manslaughter.

*MARCH 4, 1909 (SEC. 274.)

S. L. 35, p. 1143 (R. S. 5341).

"MANSLAUGHTER" DEFINED.

SEC. 274. Manslaughter is the unlawful killing of a human being without malice. It is of two kinds:

First. Voluntary—Upon a sudden quarrel or heat of passion.

Second. Involuntary—In the commission of an unlawful act not amounting to a felony, or in the commission of a lawful act which might produce death, in an unlawful manner, or without due caution and circumspection.

R. S. 5342.

March 3, 1857 (Sec. 2), S. L. 11, p. 250.

ATTEMPT TO COMMIT MURDER OR MANSLAUGHTER.

Every person who, within any of the places or upon any of the waters described in section fifty-three hundred and thirty-nine, attempts

to commit the crime of murder or manslaughter, by any means not constituting the offense of assault with a dangerous weapon, shall be punished by imprisonment, with or without hard labor, not more than three years, and by a fine of not more than one thousand dollars.

*MARCH 4, 1909 (SEC. 277).

S. L. 35, p. 1143 (R. S. 5342).

SEC. 277. Whoever shall attempt to commit murder or manslaughter, except as provided in the preceding section, shall be fined not more than one thousand dollars and imprisoned not more than three years.

R. S. 5343.

April 30, 1790 (Sec. 7), S. L. 1, p. 113; March 3, 1857 (Sec. 3), S. L. 11, p. 250.

PUNISHMENT OF MANSLAUGHTER.

The punishment of manslaughter shall be imprisonment, with or without hard labor, not more than three years, and by a fine of not more than one thousand dollars, except as otherwise specially provided by law.

*MARCH 4, 1909 (SEC. 275).

S. L. 35, p. 1143 (R. S. 5343).

SEC. 275. Every person guilty of voluntary manslaughter shall be imprisoned not more than ten years. Every person guilty of involuntary manslaughter shall be imprisoned not more than three years, or fined not exceeding one thousand dollars, or both.

R. S. 5345.

March 3, 1825 (Sec. 4), S. L. 4, p. 115.

RAPE.

Every person who, within any of the places or upon any of the waters specified in section fifty-three hundred and thirty-nine, commits the crime of rape shall suffer death.

*MARCH 4, 1909 (SEC. 278).

S. L. 35, p. 1143 (R. S. 5345).

SEC. 278. Whoever shall commit the crime of rape shall suffer death.

R. S. 5346.

March 3, 1825 (Sec. 22), S. L. 4, p. 121.

ASSAULT WITH A DANGEROUS WEAPON.

Every person who, upon the high seas, or in any arm of the sea, or in any river, haven, creek, basin, or bay, within the admiralty jurisdiction of the United States, and out of the jurisdiction of any particular State, on board any vessel belonging in whole or part to the United States, or any citizen thereof, with a dangerous weapon, or with intent to perpetrate any felony, commits an assault on another shall be punished by a fine of not more than three thousand dollars, and by imprisonment at hard labor not more than three years.

*MARCH 4, 1909 (SEC. 276).

S. L. 35, p. 1143 (R. S. 5346).

SEC. 276. Whoever shall assault another with intent to commit murder, or rape, shall be imprisoned not more than twenty years. Whoever shall assault another with intent to commit any felony, except murder, or rape, shall be fined not more than three thousand dollars, or imprisoned not more than ten years or both. Whoever, with intent to do bodily harm, and without just cause or excuse, shall assault another with a dangerous weapon, instrument, or other thing, shall be fined not more than one thousand dollars, or imprisoned not more than five years, or both. Whoever shall unlawfully strike, beat, or wound another, shall be fined not more than five hundred dollars, or imprisoned not more than six months, or both. Whoever shall unlawfully assault another, shall be fined not more than three hundred dollars, or imprisoned not more than three months, or both.

MUTINY.

R. S. 5359.

April 30, 1790 (Sec. 12), S. L. 1, p. 115; March 3, 1835 (Sec. 2), S. L. 4, p. 776.

INCITING REVOLT OR MUTINY ON SHIPBOARD.

If any one of the crew of any American vessel on the high seas, or other waters within the admiralty and maritime jurisdiction of the United States, endeavors to make a revolt or mutiny on board such vessel, or combines, conspires, or confederates with any other person on board to make such revolt or mutiny, or solicits, incites, or stirs up

any other of the crew to disobey or resist the lawful orders of the master, or other officer of such vessel, or to refuse or neglect their proper duty on board thereof, or to betray their proper trust, or assemble with others in a tumultuous and mutinous manner, or makes a riot on board thereof, or unlawfully confines the master, or other commanding officer thereof, he shall be punished by a fine of not more than one thousand dollars, or by imprisonment not more than five years, or by both such fine and imprisonment.

*MARCH 4, 1909 (SEC. 292).

S. L. 35, p. 1146 (R. S. 5359).

SEC. 292. Whoever, being of the crew of a vessel of the United States, on the high seas, or on any other waters within the admiralty and maritime jurisdiction of the United States, endeavors to make a revolt or mutiny on board such vessel, or combines, conspires, or confederates with any other person on board to make such revolt or mutiny, or solicits, incites, or stirs up any other of the crew to disobey or resist the lawful orders of the master or other officer of such vessel, or to refuse or neglect their proper duty on board thereof, or to betray their proper trust, or assembles with others in a tumultuous and mutinous manner, or makes a riot on board thereof, or unlawfully confines the master or other commanding officer thereof, shall be fined not more than one thousand dollars, or imprisoned not more than five years, or both.

R. S. 5360.

April 30, 1790 (Sec. 8), S. L. 1, p. 113; March 3, 1835 (Sec. 1),
S. L. 4, p. 775.

REVOLT AND MUTINY ON SHIPBOARD.

If any one of the crew of an American vessel on the high seas, or on any other waters within the admiralty and maritime jurisdiction of the United States, unlawfully and with force, or by fraud, or intimidation, usurps the command of such vessel from the master or other lawful officer in command thereof, or deprives him of authority and command on board, or resists or prevents him in the free and lawful exercise thereof, or transfers such authority and command to another not lawfully entitled thereto, he is guilty of a revolt and mutiny, and shall be punished by a fine of not more than two thousand dollars, and by imprisonment at hard labor not more than ten years.

*MARCH 4, 1909 (SEC. 293).

S. L. 35, p. 1146 (R. S. 5360).

SEC. 293. Whoever, being of the crew of a vessel of the United States, on the high seas, or on any other waters within the admiralty and maritime jurisdiction of the United States, unlawfully and with force, or by fraud, or intimidation, usurps the command of such vessel from the master or other lawful officer in command thereof, or deprives him of authority and command on board, or resists or prevents him in the free and lawful exercise thereof, or transfers such authority and command to another not lawfully entitled thereto, is guilty of a revolt and mutiny, and shall be fined not more than two thousand dollars and imprisoned not more than ten years.

PIRACY, PRIVATEERING.

R. S. 5368.

March 3, 1819 (Sec. 5),[†] S. L. 3, p. 513; May 15, 1820 (Sec. 2),
S. L. 3, p. 600; Jan. 30, 1823, S. L. 3, p. 721.

PIRACY UNDER THE LAW OF NATIONS.

Every person who, on the high seas, commits the crime of piracy as defined by the law of nations, and is afterward brought into or found in the United States, shall suffer death.

*MARCH 4, 1909 (SEC. 290).

S. L. 35, p. 1145 (R. S. 5368).

SEC. 290. Whoever, on the high seas, commits the crime of piracy as defined by the law of nations, and is afterwards brought into or found in the United States, shall be imprisoned for life.

R. S. 5369.

April 30, 1790 (Sec. 8), S. L. 1, p. 113.

SEAMAN LAYING VIOLENT HANDS ON HIS COMMANDER.

Every seaman who lays violent hands upon his commander, thereby to hinder and prevent his fighting in defense of his vessel or the goods intrusted to him, is a pirate, and shall suffer death.

*MARCH 4, 1909 (SEC. 294).

S. L. 35, p. 1146 (R. S. 5369).

SEC. 294. Whoever, being a seaman, lays violent hands upon his commander, thereby to hinder and prevent his fighting in defense of

his vessel or the goods intrusted to him, is a pirate, and shall be imprisoned for life.

R. S. 5370.

May 15, 1820 (Sec. 3), S. L. 3, p. 600.

ROBBERY UPON THE HIGH SEAS.

Every person who, upon the high seas, or in any open roadstead, or in any haven, basin, or bay, or in any river where the sea ebbs and flows, commits the crime of robbery, in or upon any vessel, or upon any ship's company of any vessel, or the lading thereof, is a pirate, and shall suffer death.

*MARCH 4, 1909 (SEC. 284).

S. L. 35, p. 1144 (R. S. 5370).

SEC. 284. Whoever, by force and violence, or by putting in fear, shall feloniously take from the person or presence of another anything of value, shall be imprisoned not more than fifteen years.

R. S. 5371.

May 15, 1820 (Sec. 3), S. L. 3, p. 600.

ROBBERY ON SHORE BY CREW OF PIRATICAL VESSEL.

Every person engaged in any piratical cruise or enterprise, or being of the crew of any piratical vessel, who lands from such vessel and on shore commits robbery, is a pirate, and shall suffer death.

*MARCH 4, 1909 (SEC. 302).

S. L. 35, p. 1147 (R. S. 5371).

SEC. 302. Whoever, being engaged in any piratical cruise, or enterprise, or being of the crew of any piratical vessel, lands from such vessel, and on shore commits robbery, is a pirate, and shall be imprisoned for life.

R. S. 5373.

April 30, 1790 (Sec. 9), S. L. 1, p. 114.

PIRACY UNDER COLOR OF A COMMISSION FROM A FOREIGN POWER.

Every citizen who commits any murder or robbery, or any act of hostility against the United States, or against any citizen thereof, on the high seas, under color of any commission from any foreign prince, or state, or on pretense of authority from any person, is, notwithstanding the pretense of such authority, a pirate, and shall suffer death.

*MARCH 4, 1909 (SEC. 304).

S. L. 35, p. 1147 (R. S. 5373).

SEC. 304. Whoever, being a citizen of the United States, commits any murder or robbery, or any act of hostility against the United States, or against any citizen thereof, on the high seas, under color of any commission from any foreign prince, or state, or on pretense of authority from any person, is, notwithstanding the pretense of such authority, a pirate, and shall be imprisoned for life.

R. S. 5374.

March 3, 1847, S. L. 9, p. 175.

PIRACY BY SUBJECTS OR CITIZENS OF A FOREIGN STATE.

Every subject or citizen of any foreign state, who is found and taken on the sea making war upon the United States, or cruising against the vessels and property thereof, or of the citizens of the same, contrary to the provisions of any treaty existing between the United States and the state of which offender is a citizen or subject, when by such treaty such acts are declared to be piracy, is guilty of piracy, and shall suffer death.

*MARCH 4, 1909 (SEC. 305).

S. L. 35, p. 1147 (R. S. 5374).

SEC. 305. Whoever, being a citizen or subject of any foreign state, is found and taken on the sea making war upon the United States, or cruising against the vessels and property thereof, or of the citizens of the same, contrary to the provisions of any treaty existing between the United States and the state of which the offender is a citizen or subject, when by such treaty such acts are declared to be piracy, is guilty of piracy, and shall be imprisoned for life.

R. S. 5384.

April 30, 1790 (Sec. 12), S. L. 1, p. 115.

CONFEDERATING, ETC., WITH PIRATES.

If any person attempts or endeavors to corrupt any commander, master, officer, or mariner to yield up or to run away with any vessel, or with any goods, wares, or merchandise, or to turn pirate, or to go over to or confederate with pirates, or in any wise to trade with any pirate, knowing him to be such, or furnishes such pirate with any ammunition, stores, or provisions of any kind, or fits out any vessel knowingly and with a design to trade with, supply, or correspond with any

pirate or robber upon the seas; or if any person consults, combines, confederates, or corresponds with any pirate or robber upon the seas, knowing him to be guilty of any piracy or robbery; or if any seaman confines the master of any vessel, he shall be imprisoned not more than three years, and fined not more than one thousand dollars.

*MARCH 4, 1909 (SEC. 307).

S. L. 35, p. 1148 (R. S. 5384).

SEC. 307. Whoever attempts or endeavors to corrupt any commander, master, officer, or mariner to yield up or to run away with any vessel, or with any goods, wares, or merchandise, or to turn pirate, or to go over to or confederate with pirates, or in any wise to trade with any pirate, knowing him to be such, or furnishes such pirate with ammunition, stores, or provisions of any kind, or fits out any vessel knowingly and with a design to trade with, supply, or correspond with any pirate or robber upon the seas; or whoever consults, combines, confederates, or corresponds with any pirate or robber upon the seas, knowing him to be guilty of any piracy or robbery; or whoever, being a seaman, confines the master of any vessel, shall be fined not more than one thousand dollars and imprisoned not more than three years.

PLUNDERING VESSEL.

R. S. 5361.

March 3, 1825 (Sec. 6), S. L. 4, p. 116.

ATTACKING VESSEL WITH INTENT TO PLUNDER.

Every person who, upon the high seas, or in any arm of the sea, or in any river, haven, creek, basin, or bay, within the admiralty and maritime jurisdiction of the United States, and out of the jurisdiction of any particular State, by surprise or by open force, maliciously attacks or sets upon any vessel belonging to another, with an intent unlawfully to plunder the same, or to despoil any owner thereof of any moneys, goods, or merchandise laden on board thereof, shall be punished by a fine of not more than five thousand dollars, and by imprisonment at hard labor not more than ten years.

*MARCH 4, 1909 (SEC. 298).

S. L. 35, p. 1147 (R. S. 5361).

SEC. 298. Whoever, upon the high seas or on any other waters within the admiralty and maritime jurisdiction of the United States, by surprise or by open force, maliciously attacks or sets upon any

vessel belonging to another, with an intent unlawfully to plunder the same, or to despoil any owner thereof of any moneys, goods, or merchandise laden on board thereof, shall be fined not more than five thousand dollars and imprisoned not more than ten years.

R. S. 5362.

March 3, 1825 (Sec. 7), S. L. 4, p. 116.

BREAKING AND ENTERING VESSEL, ETC.

Every person who, upon the high seas, or in any other of the places mentioned in the preceding section, with intent to commit any felony, breaks or enters any vessel, or maliciously cuts, spoils, or destroys any cordage, cable, buoys, buoy-rope, head-fast, or other fast fixed to the anchor or moorings belonging to any vessel, shall be punished by a fine of not more than one thousand dollars, and by imprisonment at hard labor not more than five years.

*MARCH 4, 1909 (SEC. 299).

S. L. 35, p. 1147 (R. S. 5362).

SEC. 299. Whoever, upon the high seas or on any other waters within the admiralty and maritime jurisdiction of the United States, and out of the jurisdiction of any particular State, breaks or enters any vessel, with intent to commit any felony, or maliciously cuts, spoils, or destroys any cordage, cable, buoys, buoy-rope, head-fast, or other fast, fixed to the anchor or moorings belonging to any vessel, shall be fined not more than one thousand dollars and imprisoned not more than five years.

RUNNING AWAY WITH VESSEL.

R. S. 5383.

April 30, 1790 (Sec. 8), S. L. 1, p. 113; August 8, 1846 (Sec. 5),
S. L. 9, p. 73.

RUNNING AWAY WITH OR YIELDING UP VESSEL OR CARGO.

Every captain, other officer, or mariner, of a vessel on the high seas, or on any other waters within the admiralty and maritime jurisdiction of the United States, who piratically or feloniously runs away with such vessel, or with any goods or merchandise thereof, to the value of fifty dollars, or who yields up such vessel voluntarily to any pirate, shall be fined not more than ten thousand dollars, or imprisoned at hard labor not more than ten years, or both.

*MARCH 4, 1909 (SEC. 306).

S. L. 35, p. 1148 (R. S. 5383).

SEC. 306. Whoever, being a captain or other officer or mariner of a vessel upon the high seas or on any other waters within the admiralty and maritime jurisdiction of the United States, piratically or feloniously runs away with such vessel, or with any goods or merchandise thereof, to the value of fifty dollars, or who yields up such vessel voluntarily to any pirate, shall be fined not more than ten thousand dollars, or imprisoned not more than ten years, or both.

SEDUCTION.

R. S. 5349.

March 24, 1860 (Sec. 1), S. L. 12, p. 3.

SEDUCTION OF FEMALE PASSENGERS ON VESSELS.

Every master, officer, seaman, or other person employed on board of any American vessel who, during the voyage, under promise of marriage, or by threats, or the exercise of authority, or solicitation, or the making of gifts or presents, seduces and has illicit connection with any female passenger, shall be punished by imprisonment not more than twelve months, or by a fine of not more than one thousand dollars; but subsequent intermarriage of the parties may be pleaded in bar of conviction.

*MARCH 4, 1909 (SEC. 280).

S. L. 35, p. 1143 (R. S. 5349).

SEC. 280. Every master, officer, seaman, or other person employed on board of any American vessel who, during the voyage, under promise of marriage, or by threats, or the exercise of authority, or solicitation, or the making of gifts or presents, seduces and has illicit connection with any female passenger, shall be fined not more than one thousand dollars, or imprisoned not more than one year, or both; but subsequent intermarriage of the parties may be pleaded in bar of conviction.

R. S. 5350.

March 24, 1860 (Sec. 4), S. L. 12, p. 4.

PAYMENT OF FINE TO FEMALE SEDUCED.

When any person is convicted under the provisions of the preceding section, the court may, in its discretion, by an order entered on its

minutes, direct the amount of the fine, when imposed and collected; to be paid for the use of the female seduced or her child, if she have any.

R. S. 5351.

March 24, 1860 (Sec. 5), S. L. 12, p. 4.

EVIDENCE REQUIRED; LIMITATION OF INDICTMENT.

No conviction shall be had on the testimony of the female seduced, without other evidence, nor unless the indictment is found within one year after the arrival of the vessel on which the offense was committed at the port for which it was destined.

*MARCH 4, 1909 (SEC. 281).

S. L. 35, p. 1143 (R. S. 5350, 5351).

SEC. 281. When a person is convicted of a violation of the section last preceding, the court may, in its discretion, direct that the amount of the fine, when paid, be paid for the use of the female seduced, or her child, if she have any; but no conviction shall be had on the testimony of the female seduced, without other evidence, nor unless the indictment is found within one year after the arrival of the vessel on which the offense was committed at the port of its destination.

FEBRUARY 9, 1889.

S. L. 25, p. 658.

CARNAL AND UNLAWFUL KNOWLEDGE OF FEMALES UNDER SIXTEEN
TO BE FELONY.

That every person who shall carnally and unlawfully know any female under the age of sixteen years, or who shall be accessory to such carnal and unlawful knowledge before the fact in the District of Columbia or other place, except the territories, over which the United States has exclusive jurisdiction; or on any vessel within the admiralty or maritime jurisdiction of the United States, and out of the jurisdiction of any State or Territory, shall be guilty of a felony, and when convicted thereof shall be punished by imprisonment at hard labor, for the first offense for not more than fifteen years, and for each subsequent offense not more than thirty years.

*MARCH 4, 1909 (SEC. 279).

S. L. 35, p. 1143 (Feb. 9, 1889).

SEC. 279. Whoever shall carnally and unlawfully know any female under the age of sixteen years, or shall be accessory to such carnal and unlawful knowledge before the fact, shall, for a first offense, be imprisoned not more than fifteen years, and for a subsequent offense be imprisoned not more than thirty years.

SELLING ARMS, LIQUOR, ETC., TO PACIFIC ISLANDERS.

FEB. 14, 1902 (SECS. 1, 2, 3).

S. L. 32, p. 33.

PACIFIC ISLANDS—SALE OF ARMS AND INTOXICANTS FORBIDDEN.

That any person subject to the authority of the United States who shall give, sell, or otherwise supply any arms, ammunition, explosive substance, intoxicating liquor, or opium to any aboriginal native of any of the Pacific islands lying within the twentieth parallel of north latitude and the fortieth parallel of south latitude and the one hundred and twentieth meridian of longitude west and one hundred and twentieth meridian of longitude east of Greenwich, not being in the possession or under the protection of any civilized power, shall be punishable by imprisonment not exceeding three months, with or without hard labor, or a fine not exceeding fifty dollars, or both. And in addition to such punishment all articles of a similar nature to those in respect to which an offense has been committed found in the possession of the offender may be declared forfeited.

SEC. 2. That if it shall appear to the court that such opium, wine, or spirits have been given bona fide for medical purposes it shall be lawful for the court to dismiss the charge.

SEC. 3. That all offenses against this Act committed on any of said islands or on the waters, rocks, or keys adjacent thereto shall be deemed committed on the high seas on board a merchant ship or vessel belonging to the United States, and the courts of the United States shall have jurisdiction accordingly.

*MARCH 4, 1909 (SECS. 308, 309).

S. L. 35, p. 1148 (Feb. 14, 1902, Secs. 1, 2, 3).

SEC. 308. Whoever, being subject to the authority of the United States, shall give, sell, or otherwise supply any arms, ammunition, explosive substance, intoxicating liquor, or opium to any aboriginal native of any of the Pacific islands lying within the twentieth parallel of north latitude and the fortieth parallel of south latitude, and the one hundred and twentieth meridian of longitude east of Greenwich, not being in the possession or under the protection of any civilized power, shall be fined not more than fifty dollars, or imprisoned not more than three months, or both. In addition to such punishment, all articles of a similar nature to those in respect to which an offense has been committed, found in the possession of the offender, may be declared forfeited. If it shall appear to the court that such opium, wine, or

spirits have been given bona fide for medical purposes, it shall be lawful for the court to dismiss the charge.

SEC. 309. All offenses against the provisions of the section last preceding, committed on any of said islands, or on the waters, rocks, or keys adjacent thereto, shall be deemed committed on the high seas on board a merchant ship or vessel belonging to the United States, and the courts of the United States shall have jurisdiction accordingly.

VISITING PASSENGERS' QUARTERS.

R. S. 4275.

March 24, 1860 (Sec. 2), S. L. 12, p. 3.

PENALTY UPON VISITING PART OF VESSEL ASSIGNED TO EMIGRANTS.

Neither the officers, seamen, nor other persons employed on board of any vessel bringing emigrant passengers to the United States, or any of them, shall visit or frequent any part of such vessel assigned to emigrant passengers, except by the direction or permission of the master of such vessel first made or given for such purpose. Every officer, seaman, or other person employed on board of such vessel, who shall violate the provisions of this section shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall forfeit to the vessel his wages for the voyage of the vessel during which the offense has been committed.

R. S. 4276.

March 24, 1860 (Sec. 2), S. L. 12, p. 3.

PENALTY FOR PERMITTING OFFICERS OR SEAMEN TO VISIT SUCH PART OF VESSEL.

Every master who directs or permits any officer or seaman or other person employed on board of any vessel to visit or frequent any part of such vessel assigned to emigrant passengers, except for the purpose of doing or performing some necessary act or duty as an officer, seaman, or other person employed on board of the vessel, shall be deemed guilty of a misdemeanor, and shall be punishable by a fine of fifty dollars for each occasion on which he so directs or permits the provisions of this section to be violated by any officer, seaman, or other person employed on board of such vessel.

R. S. 4277.

March 24, 1860 (Sec. 3), S. L. 12, p. 4.

NOTICE TO BE POSTED IN EMIGRANT VESSELS.

The master of every vessel bringing emigrant passengers to the United States shall post a written or printed notice in the English, French, and German languages containing the provisions of the two preceding sections in a conspicuous place on the forecastle, and in the several parts of the vessel assigned to emigrant passengers, and keep the same so posted during the voyage; and if he neglects so to do, he shall be deemed guilty of a misdemeanor, and shall be punishable by a fine of not more than five hundred dollars.

*AUGUST 2, 1882 (SEC. 7).

S. L. 22, p. 189 (R. S. 4275, 4276, 4277).

SEC. 7. That neither the officers, seamen, nor other persons employed on any such steamship or other vessel shall visit or frequent any part of the vessel provided or assigned to the use of such passengers, except by the direction or permission of the master of such vessel first made or given for such purpose; and every officer, seaman, or other person employed on board of such vessel who shall violate the provisions of this section shall be deemed guilty of a misdemeanor, and may be fined not exceeding one hundred dollars, and be imprisoned not exceeding twenty days, for each violation; and the master of such vessel who directs or permits any officer, seaman, or other person employed on board the vessel to visit or frequent any part of the vessel provided for or assigned to the use of such passengers, or the compartments or spaces occupied by such passengers, except for the purpose of doing or performing some necessary act or duty as an officer, seaman, or other person employed on board of the vessel, shall be deemed guilty of a misdemeanor, and may be fined not more than one hundred dollars for each time he directs or permits the provisions of this section to be violated. A copy of this section, written or printed in the language or principal languages of the passengers on board, shall, by or under the direction of the master of the vessel, be posted in a conspicuous place on the forecastle and in the several parts of the vessel provided and assigned for the use of such passengers, and in each compartment or space occupied by such passengers, and the same shall be kept so posted during the voyage; and if the said master neglects so to do, he shall be deemed guilty of a misdemeanor, and shall be fined not more than one hundred dollars.

PART THREE

ACCIDENTS TO TOW-BARGES.

*MARCH 4, 1915 (SEC. 15).

S. L. 38, p. 1184.

ACCIDENTS TO BE REPORTED.

The owner, agent, or master of every barge which, while in tow through the open sea, has sustained or caused any accident, shall be subject in all respects to the provisions of Sections 10, 11, 12, and 13 of Chapter 344 of the Statutes at Large, approved June 20, 1874, and the reports therein prescribed shall be transmitted by Collectors of Customs to the Secretary of Commerce, who shall transmit annually to Congress a summary of such reports during the previous fiscal year, together with a brief statement of the action of the Department in respect to such accidents.

APPRENTICES.

*R. S. 4509.

June 7, 1872 (Sec. 9), S. L. 17, p. 263.

CONDITIONS OF APPRENTICESHIP.

Every shipping-commissioner appointed under this Title shall, if applied to for the purpose of apprenticing boys to the sea-service, by any master or owner of a vessel, or by any person legally qualified, give such assistance as is in his power for facilitating the making of such apprenticeships; but the shipping-commissioner shall ascertain that the boy has voluntarily consented to be bound, and that the parents or guardian of such boy have consented to such apprenticeship, and that he has attained the age of twelve years, and is of sufficient health and strength, and that the master to whom such boy is to be bound is a proper person for the purpose. Such apprenticeship shall terminate when the apprentice becomes eighteen years of age. The shipping-commissioner shall keep a register of all indentures of apprenticeship made before him.

*R. S. 4510.

June 7, 1872 (Sec. 10), S. L. 17, p. 264.

INDENTURE OF APPRENTICE TO BE PRODUCED TO COMMISSIONER.

The master of every foreign-going vessel shall, before carrying any apprentice to sea from any place in the United States, cause such ap-

prentice to appear before the shipping-commissioner before whom the crew is engaged, and shall produce to him the indenture by which such apprentice is bound, and the assignment or assignments thereof, if any; and the name of the apprentice, with the date of the indenture and of the assignment or assignments thereof, if any, shall be entered on the agreement; which shall be in the form as near as may be given in the table marked "A" in the schedule annexed to this Title; and no such assignment shall be made without the approval of a commissioner, of the apprentice, and of his parents or his guardian. For any violation of this section, the master shall be liable to a penalty of not more than one hundred dollars.

FISHERMEN'S AGREEMENT.

*R. S. 4391.

June 19, 1813 (Sec. 1), S. L. 3, p. 2; March 3, 1865, S. L. 13, p. 535.

AGREEMENT FOR FISHING VOYAGE.

The master of any vessel of the burden of twenty tons or upward, qualified according to law for carrying on the bank and other cod fisheries, or the mackerel-fishery, bound from a port of the United States to be employed in any such fishery, at sea, shall, before proceeding on such fishing voyage, make an agreement in writing with every fisherman who may be employed therein, except only an apprentice or servant of himself or owner, and, in addition* to such terms of shipment as may be agreed on, shall, in such agreement, express whether the same is to continue for one voyage or for the fishing season, and shall also express that the fish or the proceeds of such fishing voyage or voyages which may appertain to the fishermen shall be divided among them in proportion to the quantities or number of such fish which they may respectively have caught. Such agreement shall be indorsed or countersigned by the owner of such fishing vessel or his agent.

*R. S. 4392.

June 19, 1813 (Sec. 1), S. L. 3, p. 2.

PENALTY FOR VIOLATING AGREEMENT.

If any fisherman, having engaged himself for a voyage or for the fishing season in any fishing vessel and signed an agreement therefor, thereafter and while such agreement remains in force and to be performed deserts or absents himself from such vessel without leave of the master thereof, or of the owner or his agent, such deserter shall

be liable to the same penalties as deserting seamen are subject to in the merchant service, and may in the like manner, and upon the like complaint and proof, be apprehended and detained; and all costs of process and commitment, if paid by the master or owner, shall be deducted out of the share of fish or proceeds of any fishing voyage to which such deserter had or shall become entitled. Every fisherman, having so engaged himself, who during such fishing voyage refuses or neglects his proper duty on board the fishing vessel, being thereto ordered or required by the master thereof, or otherwise resists his just commands to the hinderance or detriment of such voyage, besides being answerable for all damages arising thereby, shall forfeit to the use of the owner of such vessel his share of any public allowance which may be paid upon such voyage.

*R. S. 4393.

June 19, 1813 (Sec. 2), S. L. 3, p. 2.

RECOVERY OF SHARES OF FISH UNDER AGREEMENT.

Whenever an agreement or contract is so made and signed for a fishing voyage or for the fishing season, and any fish caught on board such vessel during the same are delivered to the owner or to his agent, for cure, and sold by such owner or agent, such vessel shall, for the term of six months after such sale, be liable for the master's and every other fisherman's share of such fish, and may be proceeded against in the same form and to the same effect as any other vessel is by law liable, and may be proceeded against for the wages of seamen or mariners in the merchant service. Upon such proceeding for the value of a share or shares of the proceeds of fish so delivered and sold it shall be incumbent on the owner or his agent to produce a just account of the sales and division of such fish according to such agreement or contract; otherwise the vessel shall be answerable upon such proceeding for what may be the highest value of the shares demanded. But in all cases the owner of such vessel or his agent, appearing to answer in such proceeding, may offer thereupon his account of general supplies made for such fishing voyage and of other supplies therefor made to either of the demandants, and shall be allowed to produce evidence thereof in answer to their demands respectively; and judgment shall be rendered upon such proceeding for the respective balances which upon such an inquiry shall appear.

*R. S. 4394.

June 19, 1813 (Sec. 2), S. L. 3, p. 2.

DISCHARGE OF VESSEL UPON BOND BY OWNER.

When process shall be issued against any vessel so liable, if the owner thereof or his agent will give bond to each fisherman in whose favor such process shall be instituted, with sufficient security, to the satisfaction of two justices of the peace, of whom one shall be named by such owner or agent, and the other by the fisherman or fishermen pursuing such process, or if either party shall refuse, then the justice first appointed shall name his associate, with condition to answer and pay whatever sum shall be recovered by him or them on such process, there shall be an immediate discharge of such vessel. Nothing in this or the preceding section shall prevent any fisherman from having his action at common law for his share or shares of fish or the proceeds thereof.

HARBORING DESERTERS, SOLICITING LODGERS, ETC.

R. S. 4601.

July 20, 1790 (Sec. 4), S. L. 1, p. 133; Feb. 18, 1875, S. L. 18, p. 320.

PENALTY FOR SECRETING SEAMEN.

Whenever any person harbors or secretes any seaman belonging to any vessel, knowing him to belong thereto, he shall be liable to pay ten dollars for every day during which he continues so to harbor or secrete such seaman, recoverable one-half to the use of the person prosecuting for the same, the other half to the use of the United States.

*R. S. 4606.

June 7, 1872 (Sec. 62), S. L. 17, p. 276.

PENALTY FOR BOARDING VESSELS BEFORE ARRIVAL.

Every person who, not being in the United States service, and not being duly authorized by law for the purpose, goes on board any vessel about to arrive at the place of her destination, before her actual arrival, and before she has been completely moored, without permission of the master, shall, for every such offense, be punishable by a fine of not more than two hundred dollars, and by imprisonment for not more than six months; and the master of such vessel may take any such person so going on board into custody, and deliver him up forthwith to any constable or police officer, to be by him taken before any justice of the peace, to be dealt with according to the provisions of this Title.

*R. S. 4607.

June 7, 1872 (Sec. 63), S. L. 17, p. 276.

PENALTY FOR SOLICITING SEAMEN AS LODGERS.

If, within twenty-four hours after the arrival of any vessel at any port in the United States, any person, then being on board such vessel, solicits any seaman to become a lodger at the house of any person letting lodgings for hire, or takes out of such vessel any effects of any seaman, except under his personal direction, and with the permission of the master, he shall, for every such offense, be punishable by a fine of not more than fifty dollars, or by imprisonment for not more than three months.

*APRIL 13, 1904.

S. L. 33. p. 174 (R. S. 4607).

That section 4607 is hereby amended by adding thereto the following:

"This section shall apply to vessels of the United States engaged in the foreign trade and to foreign vessels."

SEC. 2. That this Act shall take effect one month after its passage.

ILL-TREATMENT OF SEAMEN.

R. S. 5347.

March 3, 1835 (Sec. 3), S. L. 4, p. 776.

MALTREATMENT OF CREW BY OFFICERS OF VESSELS.

Every master or other officer of any American vessel on the high seas, or on any other waters within the admiralty and maritime jurisdiction of the United States, who, from malice, hatred, or revenge, and without justifiable cause, beats, wounds, or imprisons any of the crew of such vessel, or withholds from them suitable food and nourishment, or inflicts upon them any cruel and unusual punishment, shall be punished by a fine of not more than one thousand dollars, or by imprisonment not more than five years, or by both.

MARCH 3, 1897 (SEC. 18).

S. L. 29, p. 691 (R. S. 5347).

Every master or other officer of an American vessel on the high seas or on any other waters within the admiralty and maritime jurisdiction of the United States, who, without justifiable cause, beats,

wounds, or imprisons any of the crew of such vessel or withholds from them suitable food and nourishment, or inflicts upon them any cruel and unusual punishment, shall be punished by a fine of not more than one thousand dollars, or by imprisonment not more than five years, or by both.

Nothing herein contained shall be construed to repeal or modify section forty-six hundred and eleven of the Revised Statutes.

*MARCH 4, 1909 (SEC. 291).

S. L. 35, p. 1145 (R. S. 5347).

SEC. 291. Whoever, being the master or officer of a vessel of the United States, on the high seas, or on any other waters within the admiralty and maritime jurisdiction of the United States, beats, wounds, or without justifiable cause, imprisons any of the crew of such vessel, or withholds from them suitable food and nourishment, or inflicts upon them any cruel and unusual punishment, shall be fined not more than one thousand dollars, or imprisoned not more than five years, or both. Nothing herein contained shall be construed to repeal or modify section forty-six hundred and eleven of the Revised Statutes.

R. S. 4611.

September 28, 1850 (Sec. 1), S. L. 9, p. 515.

FLOGGING ABOLISHED.

Flogging on board vessels of commerce is hereby abolished.

DEC. 21, 1898 (SEC. 22).

S. L. 30, p. 761 (R. S. 4611).

Flogging and all other forms of corporal punishment are hereby prohibited on board any vessel, and no form of corporal punishment on board any vessel shall be deemed justifiable, and any master or other officer thereof who shall violate the aforesaid provisions of this section or either thereof shall be deemed guilty of a misdemeanor, punishable by imprisonment not less than three months or more than two years. Whenever any officer other than the master of such vessel shall violate any provision of this section, it shall be the duty of such master to surrender such officer to the proper authorities as soon as practicable. Any failure upon the part of such master to comply herewith, which failure shall result in the escape of such officer, shall render said master liable in damages to the person illegally punished by such officer.

*MARCH 4, 1915 (SEC. 9).

S. L. 38, p. 1167 (R. S. 4611).

Flogging and all other forms of corporal punishment are hereby prohibited on board of any vessel, and no form of corporal punishment on board of any vessel shall be deemed justifiable. Any master or other officer thereof who shall violate the aforesaid provisions of this section, or either thereof, shall be deemed guilty of a misdemeanor, punishable by imprisonment for not less than three months nor more than two years. Whenever any officer other than the master of such vessel shall violate any provision of this section, it shall be the duty of such master to surrender such officer to the proper authorities as soon as practicable, provided he has actual knowledge of the misdemeanor, or complaint thereof is made within three days after reaching port.

Any failure on the part of such master to use due diligence to comply herewith, which failure shall result in the escape of such officer, shall render the master or vessel or the owner of the vessel liable in damages for such flogging or corporal punishment to the person illegally punished by such officer.

LIABILITY OF OWNER.

* R. S. 4283.

March 3, 1851 (Sec. 3), S. L. 9, p. 635.

LIABILITY OF OWNER NOT TO EXCEED HIS INTEREST.

The liability of the owner of any vessel, for any embezzlement, loss, or destruction, by any person, of any property, goods, or merchandise, shipped or put on board of such vessel, or for any loss, damage, or injury by collision, or for any act, matter, or thing, lost, damage, or forfeiture, done, occasioned, or incurred, without the privity or knowledge of such owner or owners, shall in no case exceed the amount or value of the interest of such owner in such vessel, and her freight then pending.

*JUNE 26, 1884 (SEC. 18).

S. L. 23, p. 57 (R. S. 4288).

LIABILITY OF OWNER NOT TO EXCEED HIS INTEREST.

That the individual liability of a shipowner shall be limited to the proportion of any or all debts and liabilities that his individual share of the vessel bears to the whole; and the aggregate liabilities of all the owners of a vessel on account of the same shall not exceed the

value of such vessel and freight pending: *Provided*, That this provision shall not affect the liability of any owner incurred previous to the passage of this act, nor prevent any claimant from joining all the owners in one action; nor shall the same apply to wages due to persons employed by said shipowners.

R. S. 4289.

March 3, 1851 (Sec. 7), S. L. 9, p. 636.

EXCEPTION TO LIMITATION OF LIABILITY.

The provisions of this Title relating to the limitation of the liability of the owners of vessels, shall not apply to the owners of any canal-boat, barge, or lighter, or to any vessel of any description whatsoever used in rivers or inland navigation.

*JUNE 19, 1886 (SEC. 4).

S. L. 24, p. 80 (R. S. 4289).

LAW EXTENDED TO CANAL-BOATS, BARGES, AND LIGHTERS.

The provisions of the seven preceding sections, and of section eighteen of an act entitled "An act to remove certain burdens on the American merchant marine and encourage the American foreign carrying trade, and for other purposes," approved June twenty-sixth, eighteen hundred and eighty-four, relating to the limitations of the liability of the owners of vessels, shall apply to all sea-going vessels, and also to all vessels used on lakes or rivers or in inland navigation, including canal-boats, barges, and lighters.

LIABILITY OF CHARTERER.

*R. S. 4286.

March 3, 1851 (Sec. 5), S. L. 9, p. 636.

WHEN CHARTERER IS DEEMED OWNER.

The charterer of any vessel, in case he shall man, victual, and navigate such vessel at his own expense, or by his own procurement, shall be deemed the owner of such vessel within the meaning of the provisions of this Title relating to the limitation of the liability of the owners of vessels; and such vessel, when so chartered, shall be liable in the same manner as if navigated by the owner thereof.

LIEN AND SALVAGE.

*R. S. 4535.

June 7, 1872 (Sec. 31), S. L. 17, p. 268.

SEAMAN SHALL NOT FORFEIT LIEN ON SHIP.

No seaman shall, by any agreement other than is provided by this Title, forfeit his lien upon the ship, or be deprived of any remedy for the recovery of his wages to which he would otherwise have been entitled; and every stipulation in any agreement inconsistent with any provision of this Title, and every stipulation by which any seaman consents to abandon his right to his wages in the case of the loss of the ship, or to abandon any right which he may have or obtain in the nature of salvage, shall be wholly inoperative.

*AUGUST 1, 1912.

S. L. 37, p. 242.

RIGHT TO SALVAGE NOT AFFECTED BY JOINT OWNERSHIP OF VESSELS.

That the right to remuneration for assistance or salvage services shall not be affected by common ownership of the vessels rendering and receiving such assistance or salvage services.

SEC. 2. That the master or person in charge of a vessel shall, so far as he can do so without serious danger to his own vessel, crew, or passengers, render assistance to every person who is found at sea in danger of being lost; and if he fails to do so, he shall, upon conviction, be liable to a penalty of not exceeding one thousand dollars or imprisonment for a term not exceeding two years, or both.

SEC. 3. That salvors of human life, who have taken part in the services rendered on the occasion of the accident giving rise to salvage, are entitled to a fair share of the remuneration awarded to the salvors of the vessel, her cargo, and accessories.

SEC. 4. That a suit for the recovery of remuneration for rendering assistance or salvage services shall not be maintainable if brought later than two years from the date when such assistance or salvage was rendered, unless the court in which the suit is brought shall be satisfied that during such period there had not been any reasonable opportunity of arresting the assisted or salvaged vessel within the jurisdiction of the court or within the territorial waters of the country in which the libellant resides or has his principal place of business.

SEC. 5. That nothing in this Act shall be construed as applying

to ships of war or to Government ships appropriated exclusively to the public service.

SEC. 6. That this Act shall take effect and be in force on and after July 1, 1912.

MARINE HOSPITALS.

R. S. 4585.

July 20, 1846 (Sec. 1), S. L. 9, p. 38; June 29, 1870 (Sec. 1), S. L. 16, p. 169; Feb. 10, 1871 (Sec. 1), S. L. 16, p. 595; Mar. 3, 1875 (Secs. 1, 2), S. L. 18, p. 485.

ASSESSMENT OF FORTY CENTS PER MONTH.

There shall be assessed and collected by the collectors of customs at the ports of the United States, from the master or owner of every vessel of the United States arriving from a foreign port, or of every registered vessel employed in the coasting trade, and before such vessel shall be admitted to entry, the sum of forty cents per month for each and every seaman who shall have been employed on such vessel since she was last entered at any port of the United States; such sum such master or owner may collect and retain from the wages of such seamen.

R. S. 4586.

July 20, 1846 (Sec. 1), S. L. 9, p. 38; June 29, 1870 (Sec. 2), S. L. 16, p. 169; Feb. 10, 1871 (Sec. 1), S. L. 16, p. 595; Mar. 3, 1875 (Secs. 1, 2), S. L. 18, p. 485.

Whenever a sale or transfer of any vessel of the United States is made in a foreign port or water, the consular officer of the United States within whose consulate or district the same is made, or in whose hands the papers of such vessel are, is required to collect of the master or agent of such vessel all moneys that shall have become due to the United States by virtue of the preceding section, and shall remain unpaid at the time of such sale or transfer; and such consular officer shall retain possession of the papers of such vessel until such money shall have been paid as herein provided; and in default of such payment the sale or transfer shall be void, excepting as against the vendor.

R. S. 4587.

July 20, 1846 (Sec. 1), S. L. 9, p. 38; June 29, 1870 (Sec. 2), S. L. 16, p. 169; Feb. 10, 1871 (Sec. 1), S. L. 16, p. 595; Mar. 3, 1875 (Secs. 1, 2), S. L. 18, p. 485.

No collector shall grant to any vessel except canal boats employed in navigating the canals within the United States, whose enrollment or license for carrying on the coasting trade has expired, a new enrollment or license, unless the master of such vessel shall have first rendered a true account to the collector of the number of seamen and the time they have been employed on such vessel, during the continuance of the license which has so expired, and shall have paid to such collector forty cents per month for every such seaman who shall have been employed; which sum the master is hereby authorized to retain out of the wages of such seaman. Whenever the master of any registered, enrolled, or licensed vessel of the United States renders a false account of the number of seamen so employed, or of the length of time they have severally been employed, as is herein required, he shall be liable to a penalty of fifty dollars, which shall be applied to, and shall make a part of, the general fund created for the relief of sick and disabled seamen; and all needful regulations for the mode of collecting the sums hereinbefore mentioned shall be prepared under the direction of the Secretary of the Treasury, by such person as by him may be designated.

*JUNE 26, 1884 (SEC. 15).

S. L. 23, p. 57 (R. S. 4585, 4586, 4587).

HOSPITAL DUES ABOLISHED.

Sections forty-five hundred and eighty-five, forty-five hundred and eighty-six, and forty-five hundred and eighty-seven of the Revised Statutes, and all other acts and parts of acts providing for the assessment and collection of a hospital tax for seamen, are hereby repealed, and the expense of maintaining the Marine Hospital Service shall hereafter be borne by the United States out of the receipts for duties on tonnage provided for by this act; and so much thereof as may be necessary, is hereby appropriated for that purpose.

*MARCH 3, 1905.

S. L. 33, p. 1217.

REPEAL OF APPROPRIATION FROM TONNAGE TAX.

That so much of section fifteen of an Act entitled "An Act to remove certain burdens on the American merchant marine and encourage the American foreign carrying trade, and for other purposes," ap-

proved June twenty-sixth, eighteen hundred and eighty-four, as makes a permanent appropriation of the receipts for duties on tonnage provided for by said Act for the expenses of maintaining the Marine Hospital Service is hereby repealed, to take effect from and after June thirtieth, nineteen hundred and six. And the Secretary of the Treasury shall, for the fiscal year nineteen hundred and seven, and annually thereafter, submit to Congress, in the regular Book of Estimates, detailed estimates of the expenses of maintaining the Public Health and Marine Hospital Service.

*R. S. 4801.

July 16, 1798 (Sec. 4), S. L. 1, p. 606.

POWER TO RECEIVE GIFTS IN AID OF MARINE HOSPITALS.

The President is authorized to receive donations of real or personal property, in the name of the United States, for the erection or support of hospitals for sick and disabled seamen.

*R. S. 4804.

Feb. 10, 1871, S. L. 16, p. 595.

PERSONS EMPLOYED ON CANAL-BOATS IN THE COASTING TRADE EXCLUDED.

No person employed in or connected with the navigation, management, or use of canal-boats engaged in the coasting trade shall by reason thereof be entitled to any benefit or relief from the marine hospital fund.

*R. S. 4805.

May 3, 1802 (Sec. 5), S. L. 2, p. 193.

FOREIGN SEAMEN ADMITTED.

Sick foreign seamen may be admitted to the marine hospitals within the United States, if it can with convenience be done, on the application of the master of any foreign vessel to which any such seaman may belong. Each seaman so admitted shall be subject to a charge of seventy-five cents per day for each day he may remain in the hospital, which shall be paid by the master of such foreign vessel to the collector of the collection district in which such hospital is situated. And the collector shall not grant a clearance to any foreign vessel until the money so due from her master shall be paid. The officer in charge of each hospital is hereby directed, under penalty of fifty dollars, to make out the accounts against each foreign seaman that may be placed in the hospital under his direction, and render the same to the collector.

*MARCH 3, 1875 (SECS. 3, 4, 5, 6, 7, 8).

S. L. 18, p. 485.

TERM "SEAMAN" DEFINED.

SEC. 3. That the term "seaman," wherever employed in legislation relating to the marine hospital service, shall be held to include any person employed on board in the care, preservation, or navigation of any vessel, or in the service, on board, of those engaged in such care, preservation, or navigation.

SEC. 4. That the Secretary of the Treasury may rent or lease such marine hospital buildings, and the lands appertaining thereto, as he may deem advisable in the interests of the marine hospital service; and the proceeds of such rents or leases are hereby appropriated for the said service.

SEC. 5. That insane patients of said service shall be admitted into the Government Hospital for the Insane upon the order of the Secretary of the Treasury, and shall be cared for therein until cured or until removed by the same authority; and the charge for each such patient shall not exceed four dollars and fifty cents a week, which charge shall be paid out of the marine hospital fund.

SEC. 6. That sick and disabled seamen of foreign vessels and of vessels not subject to hospital dues may be cared for by the marine hospital services at such rates and under such regulations as the Secretary of the Treasury may prescribe.

SEC. 7. That the compensation of the Supervising Surgeon of the United States marine hospital service shall be paid out of the marine hospital fund, and the salary of the supervising surgeon shall be four thousand dollars a year.

SEC. 8. That all acts and parts of acts inconsistent with this act are hereby repealed.

*AUGUST 4, 1894.

S. L. 28, p. 229.

LIFE-SAVING CREWS ENTITLED TO BENEFITS OF MARINE HOSPITALS.

That the privilege of admission to and temporary treatment in the marine hospitals under the control of the Government of the United States be, and is hereby, extended to the keepers and crews of the Life-Saving Service under the same rules and regulations as those governing sailors and seamen, and for the purposes of this Act members of the Life-Saving Service shall be received in said hospitals and treated therein, and at the dispensaries thereof, as are seamen of American registered vessels; but this Act shall not be so construed as

to compel the establishment of hospitals or dispensaries for the benefit of said keepers and crews, nor as establishing a home for the same when permanently disabled.

REMOVAL OF MASTER.

*R. S. 4250.

April 9, 1872, S. L. 17, p. 51.

REMOVAL OF CAPTAIN BY OWNERS OF VESSELS.

Any person or body corporate having more than one-half ownership of any vessel shall have the same power to remove a master, who is also part owner of such vessel, as such majority owners have to remove a master not an owner. This section shall not apply where there is a valid written agreement subsisting, by virtue of which such master would be entitled to possession, nor in any case where a master has possession as part owner, obtained before the ninth day of April, eighteen hundred and seventy-two.

MEDICINES, LIME-JUICE, SLOP-CHEST, WARM ROOM.

*R. S. 4569.

July 20, 1790, S. L. 1, p. 134; June 7, 1872 (Sec. 40), S. L. 17, p. 270.

MEDICINES AND LIME-JUICE.

Every vessel belonging to a citizen of the United States, bound from a port in the United States to any foreign port, or being of the burden of seventy-five tons or upward, and bound from a port on the Atlantic to a port on the Pacific, or vice versa, shall be provided with a chest of medicine; and every sailing vessel bound on a voyage across the Atlantic or Pacific Ocean, or around Cape Horn, or the Cape of Good Hope, or engaged in the whale or other fisheries, or in sealing, shall also be provided with, and cause to be kept, a sufficient quantity of lime or lemon juice, and also sugar and vinegar, or other anti-scorbutics, to be served out to every seaman as follows: The master of every such vessel shall serve the lime or lemon juice, and sugar and vinegar, to the crew, within ten days after salt provisions mainly have been served out to the crew, and so long afterward as such consumption of salt provisions continues; the lime or lemon juice and sugar daily at the rate of half an ounce each per day; and the vinegar weekly, at the rate of half a pint per week for each member of the crew.

*JUNE 26, 1884 (SEC. 11).

S. L. 23, p. 56.

VESSELS MENTIONED IN R. S. 4569 SHALL ALSO BE PROVIDED WITH
SLOP-CHEST.

That every vessel mentioned in section forty-five hundred and sixty-nine of the Revised Statutes shall also be provided with a slop-chest, which shall contain a complement of clothing for the intended voyage for each seaman employed, including boots or shoes, hats or caps, under-clothing and outer-clothing, oiled-clothing, and everything necessary for the wear of a seaman; also a full supply of tobacco and blankets. Any of the contents of the slop-chest shall be sold, from time to time, to any or every seaman applying therefor, for his own use, at a profit not exceeding ten per centum of the reasonable wholesale value of the same at the port at which the voyage commenced. And if any such vessel is not provided, before sailing, as herein required, the owner shall be liable to a penalty of not more than five hundred dollars. The provisions of this section shall not apply to vessels plying between the United States and the Dominion of Canada, Newfoundland, the Bermuda Islands, the Bahama Islands, the West Indies, Mexico, and Central America.

*JUNE 19, 1886 (SEC. 13).

S. L. 24, p. 82.

WHALING AND FISHING VESSELS EXEMPTED.

That section eleven of "An Act to remove certain burdens on the American merchant marine and encourage the American foreign carrying trade, and for other purposes," approved June twenty-sixth, eighteen hundred and eighty-four, shall not be construed to apply to vessels engaged in the whaling or fishing business.

*R. S. 4570.

June 7, 1872 (Sec. 41), S. L. 17, p. 270.

PENALTY FOR FAILURE TO KEEP MEDICINES.

If, on any such vessel, such medicines, medical stores, lime or lemon juice, or other articles, sugar, and vinegar, as are required by the preceding section, are not provided and kept on board, as required, the master or owner shall be liable to a penalty of not more than five hundred dollars; and if the master of any such vessel neglects to serve out the lime or lemon juice, and sugar and vinegar in the case and manner directed, he shall for each such offense be liable to a penalty of not

more than one hundred dollars; and if any master is convicted in either of the offenses mentioned in this section, and it appears that the offense is owing to the act or default of the owner, such master may recover the amount of such penalty, and the costs incurred by him, from the owner.

R. S. 4572.

June 7, 1872 (Sec. 42), S. L. 17, p. 270.

WOOLEN CLOTHING AND FUEL.

Every vessel bound on any foreign voyage shall also be provided with at least one suit of woollen clothing for each seaman, for use during the winter months; and every such vessel shall be provided with fuel and a safe and suitable room in which a fire can be kept for the use of seamen.

*DEC. 21, 1898 (SEC. 15).

S. L. 30, p. 759 (R. S. 4572).

WARM ROOM IN ALL TRADES.

Every vessel bound on any foreign voyage exceeding in length fourteen days shall also be provided with at least one suit of woollen clothing for each seaman, and every vessel in the foreign or domestic trade shall provide a safe and warm room for the use of seamen in cold weather. Failure to make such provision shall subject the owner or master to a penalty of not less than one hundred dollars. [This section shall not apply to fishing or whaling vessels or yachts—Dec. 21, 1898, Sec. 26.]

EXEMPTION FROM MILITIA DUTY.

R. S. 1629.

May 8, 1792 (Sec. 2), S. L. 1, p. 272; May 7, 1800 (Sec. 4),
S. L. 2, p. 62; April 30, 1810 (Sec. 33), S. L. 2, p. 603.

PERSONS EXEMPT FROM MILITIA DUTY.

The Vice-President of the United States; the officers judicial and executive of the Government of the United States; the members of both Houses of Congress, and their respective officers; all custom-house officers with their clerks; all postmasters and persons employed in the transportation of the mail; all ferrymen employed at any ferry on post roads; all inspectors of exports; all artificers and workmen employed in the armories and arsenals of the United States; all pilots; all mari-

ners actually employed in the sea service of any citizen or merchant within the United States; and all persons who now are or may hereafter be exempted by the laws of the respective States, shall be exempted from militia duty, notwithstanding their being above the age of eighteen, and under the age of forty-five years.

*JAN. 21, 1903 (SEC. 2).

S. L. 32, p. 775 (R. S. 1629).

SEC. 2. That the Vice-President of the United States, the officers, judicial and executive, of the Government of the United States, the members and officers of each House of Congress, persons in the military or naval service of the United States, all custom-house officers, with their clerks, postmasters and persons employed by the United States in the transmission of the mail, ferrymen employed at any ferry on a post road, artificers and workmen employed in the armories and arsenals of the United States, pilots, mariners actually employed in the sea service of any citizen or merchant within the United States, and all persons who are exempted by the laws of the respective States or Territories shall be exempted from militia duty, without regard to age: *Provided*, That nothing in this Act shall be construed to require or compel any member of any well-recognized religious sect or organization at present organized and existing whose creed forbids its members to participate in war in any form, and whose religious convictions are against war or participation therein, in accordance with the creed of said religious organization, to serve in the militia or any other armed or volunteer force under the jurisdiction and authority of the United States.

OFFICIAL LOG-BOOK.

(See also "Payment of Wages" and "Offenses and Punishments.")

*R. S. 4290.

June 7, 1872 (Sec. 58), S. L. 17, p. 275; Feb. 27, 1877, S. L. 19, p. 251.

ENTRIES IN LOG-BOOK.

Every vessel making voyages from a port in the United States to any foreign port, or, being of the burden of seventy-five tons or upward, from a port on the Atlantic to a port on the Pacific, or vice versa, shall have an official log-book; and every master of such vessel shall make, or cause to be made therein, entries of the following matters, that is to say:

First. Every legal conviction of any member of his crew, and the punishment inflicted.

Second. Every offense committed by any member of his crew for which it is intended to prosecute, or to enforce a forfeiture, together with such statement concerning the reading over such entry, and concerning the reply, if any, made to the charge, as is required by the provisions of section forty-five hundred and ninety-seven.

Third. Every offense for which punishment is inflicted on board, and the punishment inflicted.

Fourth. A statement of the conduct, character, and qualifications of each of his crew; or a statement that he declines to give an opinion of such particulars.

Fifth. Every case of illness or injury happening to any member of the crew, with the nature thereof, and the medical treatment.

Sixth. Every case of death happening on board, with the cause thereof.

Seventh. Every birth happening on board, with the sex of the infant, and the names of the parents.

Eighth. Every marriage taking place on board, with the names and ages of the parties.

Ninth. The name of every seaman or apprentice who ceases to be a member of the crew otherwise than by death, with the place, time, manner, and cause thereof.

Tenth. The wages due to any seaman or apprentice who dies during the voyage, and the gross amount of all deductions to be made therefrom.

Eleventh. The sale of the effects of any seaman or apprentice who dies during the voyage, including a statement of each article sold, and the sum received for it.

*FEB. 14, 1900.

S. L. 31, p. 29 (R. S. 4290).

ENTRY OF COLLISION.

That section forty-two hundred and ninety of the Revised Statutes be amended by adding the following:

“Twelfth. In every case of collision in which it is practicable so to do, the master shall, immediately after the occurrence, cause a statement thereof, and of the circumstances under which the same occurred, to be entered in the official log-book. Such entry shall be made in the manner prescribed in section forty-two hundred and ninety-one, and failure to make such entry shall subject the offender to the penalties prescribed by section forty-two hundred and ninety-two.

*R. S. 4291.

June 7, 1872 (Sec. 59), S. L. 17, p. 276.

MODE OF MAKING ENTRIES.

Every entry hereby required to be made in the official log-book shall be signed by the master and by the mate, or some other one of the crew, and every entry in the official log-book shall be made as soon as possible after the occurrence to which it relates, and, if not made on the same day as the occurrence to which it relates, shall be made and dated so as to show the date of the occurrence, and of the entry respecting it; and in no case shall any entry therein, in respect of any occurrence happening previously to the arrival of the vessel at her final port, be made more than twenty-four hours after such arrival.

*R. S. 4292.

June 7, 1872 (Sec. 60), S. L. 17, p. 276.

PENALTY FOR OMITTING ENTRIES.

If in any case the official log-book is not kept in the manner hereby required, or if any entry hereby directed to be made in any such log-book is not made at the time and in the manner hereby directed, the master shall, for each such offense, be liable to a penalty of not more than twenty-five dollars; and every person who makes, or procures to be made, or assists in making, any entry in any official log-book in respect of any occurrence happening previously to the arrival of the vessel at her final port of discharge, more than twenty-four hours after such arrival, shall, for each offense, be liable to a penalty of not more than one hundred and fifty dollars.

OFFICERS NOT FELLOW-SERVANTS.

*MARCH 4, 1915 (SEC. 20).

S. L. 38, p. 1185.

OFFICERS NOT FELLOW-SERVANTS WITH SEAMEN.

SEC. 20. That in any suit to recover damages for any injury sustained on board vessel or in its service seamen having command shall not be held to be fellow-servants with those under their authority.

SEAMEN'S ACT.

*MARCH 4, 1915 (SEC. 16).

S. L. 38, p. 1184.

ABROGATION OF TREATIES.

SEC. 16. That in the judgment of Congress articles in treaties and conventions of the United States, in so far as they provide for the arrest and imprisonment of officers and seamen deserting or charged with desertion from merchant vessels of the United States in foreign countries, and for the arrest and imprisonment of officers and seamen deserting or charged with desertion from merchant vessels of foreign nations in the United States and the Territories and possessions thereof, and for the co-operation, aid, and protection of competent legal authorities in effecting such arrest or imprisonment and any other treaty provision in conflict with the provisions of this Act, ought to be terminated, and to this end the President be, and he is hereby, requested and directed, within ninety days after the passage of this Act, to give notice to the several Governments, respectively, that so much as hereinbefore described of all such treaties and conventions between the United States and foreign governments will terminate on the expiration of such periods after notices have been given as may be required in such treaties and conventions.

*MARCH 4, 1915 (SEC. 18).

S. L. 38, p. 1185.

DATE OF TAKING EFFECT.

SEC. 18. That this Act [March 4, 1915] shall take effect, as to all vessels of the United States, eight months after its passage, and as to foreign vessels twelve months after its passage, except that such parts hereof as are in conflict with articles of any treaty or convention with any foreign nation shall take effect as regards the vessels of such foreign nation on the expiration of the period fixed in the notice of abrogation of the said articles as provided in section sixteen of this Act.

SHANGHAIING.

JUNE 28, 1906.

S. L. 34, p. 551.

SHANGHAIING PROHIBITED.-

That whoever, with intent that any person shall perform service or labor of any kind on board of any vessel of any kind engaged in trade and commerce among the several States or with foreign nations, shall—

First. Procure or induce or attempt to procure or induce another by force, threats, or representations which the person making them knows or believes to be untrue, or while the person so induced or procured is intoxicated or under the influence of any drug, to go on board of any such vessel.

Second. Induce or procure or attempt to induce or procure another by force or threats, or by representations known or believed by the person making them to be untrue, or while the person so induced or procured is intoxicated or under the influence of any drug, to sign or in any wise enter into any agreement to go on board any such vessel to perform service or labor thereon, shall be fined not more than one thousand dollars or imprisonment for one year, or both.

SEC. 2. That whoever shall knowingly detain on board any such vessel any person induced to go on board thereof or to enter into an agreement to go on board thereof by any of the means defined in section one hereof shall be punished as provided in section one.

SEC. 3. That whoever shall knowingly aid or abet in the doing of any of the things declared unlawful by sections one and two of this Act shall be deemed a principal and punished accordingly.

SEC. 4. That sections four, six, and twenty-four of chapter twenty-eight of the Acts of Congress, approved December twenty-first, eighteen hundred and ninety-eight, shall apply to all vessels engaged in the taking of oysters, anything in section twenty-six of said last-mentioned Act to the contrary notwithstanding.

MARCH 2, 1907.

S. L. 34, p. 1233.

That sections one, two, and three of an Act entitled "An Act to prohibit shanghaiing in the United States," approved June twenty-eighth, nineteen hundred and six, be amended so as to read as follows:

"Whoever, with intent that any person shall perform service or labor of any kind on board of any vessel engaged in trade and commerce

among the several States or with foreign nations, or on board of any vessel of the United States engaged in navigating the high seas or any navigable water of the United States, shall procure or induce, or attempt to procure or induce, another, by force or threats or by representations which he knows or believes to be untrue, or while the person so procured or induced is intoxicated or under the influence of any drug, to go on board of any such vessel, or to sign or in any wise enter into any agreement to go on board of any such vessel to perform service or labor thereon, or whoever shall knowingly detain on board of any such vessel any person so procured or induced to go on board thereof or to enter into any agreement to go on board thereof by any means herein defined, or whoever shall knowingly aid or abet in the doing of any of the things herein made unlawful shall be fined not more than one thousand dollars or imprisoned not more than one year, or both."

SEC. 2. That sections one, two, and three of the Act hereby amended are repealed.

*MARCH 4, 1909 (SEC. 82).

S. L. 35, p. 1103.

SHANGHAIING DESCRIBED.

SEC. 82. Whoever, with intent that any person shall perform service or labor of any kind on board of any vessel engaged in trade and commerce among the several States or with foreign nations, or on board of any vessel of the United States engaged in navigating the high seas or any navigable water of the United States, shall procure or induce, or attempt to procure or induce, another, by force or threats or by representations which he knows or believes to be untrue, or while the person so procured or induced is intoxicated or under the influence of any drug, to go on board of any such vessel, or to sign or in anywise enter into any agreement to go on board of any such vessel to perform service or labor thereon; or whoever shall knowingly detain on board of any such vessel any person so procured or induced to go on board thereof, or to enter into any agreement to go on board thereof, by any means herein defined; or whoever shall knowingly aid or abet in the doing of any of the things herein made unlawful, shall be fined not more than one thousand dollars, or imprisoned not more than one year, or both.

RADIO-COMMUNICATION.

*JUNE 24, 1910.

S. L. 36, p. 629.

APPARATUS AND OPERATORS REQUIRED.

That from and after the first day of July, nineteen hundred and eleven, it shall be unlawful for any ocean-going steamer of the United States, or of any foreign country, carrying passengers and carrying fifty or more persons, including passengers and crew, to leave or attempt to leave any port of the United States unless such steamer shall be equipped with an efficient apparatus for radio-communication, in good working order, in charge of a person skilled in the use of such apparatus, which apparatus shall be capable of transmitting and receiving messages over a distance of at least one hundred miles, night or day: *Provided*, That the provisions of this Act shall not apply to steamers plying only between ports less than two hundred miles apart.

SEC. 2. That for the purpose of this Act apparatus for radio-communication shall not be deemed to be efficient unless the company installing it shall contract in writing to exchange, and shall, in fact, exchange, as far as may be physically practicable, to be determined by the master of the vessel, messages with shore or ship stations using other systems of radio-communication.

SEC. 3. That the master or other person being in charge of any such vessel which leaves or attempts to leave any port of the United States in violation of any of the provisions of this Act shall, upon conviction, be fined in a sum not more than five thousand dollars, and any such fine shall be a lien upon such vessel, and such vessel may be libeled therefor in any district court of the United States within the jurisdiction of which such vessel shall arrive or depart, and the leaving or attempting to leave each and every port of the United States shall constitute a separate offense.

SEC. 4. That the Secretary of *Commerce and Labor shall make such regulations as may be necessary to secure the proper execution of this Act by collectors of customs and other officers of the Government.

* "Commerce"—Mar. 3, 1913, Sec. 1.

*JULY 23, 1912.

S. L. 37, p. 199.

That section one of an Act entitled "An Act to require apparatus and operators for radio-communication on certain ocean steamers," approved June twenty-fourth, nineteen hundred and ten, be amended so that it will read as follows:

"SECTION 1. That from and after October first, nineteen hundred

and twelve, it shall be unlawful for any steamer of the United States or of any foreign country navigating the ocean or the Great Lakes and licensed to carry, or carrying, fifty or more persons, including passengers or crew or both, to leave or attempt to leave any port of the United States unless such steamer shall be equipped with an efficient apparatus for radio-communication, in good working order, capable of transmitting and receiving messages over a distance of at least one hundred miles, day or night. An auxiliary power supply, independent of the vessel's main electric power plant, must be provided which will enable the sending set for at least four hours to send messages over a distance of at least one hundred miles, day or night, and efficient communication between the operator in the radio room and the bridge shall be maintained at all times.

"The radio equipment must be in charge of two or more persons skilled in the use of such apparatus, one or the other of whom shall be on duty at all times while the vessel is being navigated. Such equipment, operators, the regulation of their watches, and the transmission and receipt of messages, except as may be regulated by law or international agreement, shall be under the control of the master, in the case of a vessel of the United States; and every willful failure on the part of the master to enforce at sea the provisions of this paragraph as to equipment, operators, and watches shall subject him to a penalty of one hundred dollars.

"That the provisions of this section shall not apply to steamers plying between ports, or places, less than two hundred miles apart."

SEC. 2. That this Act, so far as it relates to the Great Lakes, shall take effect on and after April first, nineteen hundred and thirteen, and so far as it relates to ocean cargo steamers shall take effect on and after July first, nineteen hundred and thirteen: *Provided*, That on cargo steamers, in lieu of the second operator provided for in this Act, there may be substituted a member of the crew or other person who shall be duly certified and entered in the ship's log as competent to receive and understand distress calls or other usual calls indicating danger, and to aid in maintaining a constant wireless watch so far as required for the safety of life.

*AUG. 13, 1912 (SEC. 3).

S. L. 37, p. 303.

SEC. 3. That every such apparatus shall at all times while in use and operation as aforesaid be in charge or under the supervision of a person or persons licensed for that purpose by the Secretary of *Commerce and Labor. Every person so licensed who in the operation of

* "Commerce"—Mar. 4, 1913, Sec. 1.

any radio apparatus shall fail to observe and obey regulations contained in or made pursuant to this Act or subsequent Acts or treaties of the United States, or any one of them, or who shall fail to enforce obedience thereto by an unlicensed person while serving under his supervision, in addition to the punishments and penalties herein prescribed, may suffer the suspension of the said license for a period to be fixed by the Secretary of *Commerce and Labor not exceeding one year. It shall be unlawful to employ any unlicensed person or for any unlicensed person to serve in charge or in supervision of the use and operation of such apparatus, and any person violating this provision shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than one hundred dollars or imprisonment for not more than two months, or both, in the discretion of the court, for each and every such offense: *Provided*, That in case of emergency the Secretary of *Commerce and Labor may authorize a collector of customs to issue a temporary permit, in lieu of a license, to the operator on a vessel subject to the radio ship act of June twenty-fourth, nineteen hundred and ten.

* "Commerce"—Mar. 4, 1913, Sec. 1.

WATCH-AND-WATCH, HOLIDAYS, WORKDAY.

*MARCH 4, 1915 (SEC. 2).

S. L. 38, p. 1164.

WATCH-AND-WATCH AT SEA.

SEC. 2. That in all merchant vessels of the United States of more than one hundred tons gross, excepting those navigating rivers, harbors, bays, or sounds exclusively, the sailors shall, while at sea, be divided into at least two, and the firemen, oilers, and water-tenders into at least three watches, which shall be kept on duty successively for the performance of ordinary work incident to the sailing and management of the vessel.

The seamen shall not be shipped to work alternately in the fireroom and on deck, nor shall those shipped for deck duty be required to work in the fireroom, or vice versa; but these provisions shall not limit either the authority of the master or other officer or the obedience of the seamen when, in the judgment of the master or other officer, the whole or any part of the crew are needed for the maneuvering of the vessel or the performance of work necessary for the safety of the vessel or her cargo, or for the saving of life aboard other vessels in jeopardy, or when in port or at sea from requiring the whole or any

part of the crew to participate in the performance of fire, lifeboat, and other drills.

SUNDAYS AND HOLIDAYS IN PORT.

While such vessel is in a safe harbor no seaman shall be required to do any unnecessary work on Sundays or the following-named days: New Year's Day, the Fourth of July, Labor Day, Thanksgiving Day, and Christmas Day, but this shall not prevent the dispatch of a vessel on regular schedule or when ready to proceed on her voyage.

WORKDAY IN PORT.

And at all times while such vessel is in a safe harbor, nine hours, inclusive of the anchor watch, shall constitute a day's work.

Whenever the master of any vessel shall fail to comply with this section, the seamen shall be entitled to discharge from such vessel and to receive the wages earned. But this section shall not apply to fishing or whaling vessels, or yachts.

WITNESSES' FEES AND TRANSPORTATION.

*R. S. 851.

Feb. 26, 1853 (Sec. 3), S. L. 10, p. 168.

SEAMEN SENT HOME AS WITNESSES.

There shall be paid to each seaman or other person who is sent to the United States from any foreign port, station, sea, or ocean, by any United States minister, charge d'affaires, consul, captain, or commander, to give testimony in any criminal case depending in any court of the United States, such compensation, exclusive of subsistence and transportation, as such court may adjudge to be proper, not exceeding one dollar for each day necessarily employed in such voyage, and in arriving at the place of examination or trial. In fixing such compensation, the court shall take into consideration the condition of said seaman or witness, and whether his voyage has been broken up, to his injury, by his being sent to the United States.

When such seaman or person is transported in an armed vessel of the United States no charge for subsistence or transportation shall be allowed. When he is transported in any other vessel, the compensation for his transportation and subsistence, not exceeding in any case fifty cents a day, may be fixed by the court, and shall be paid to the captain of said vessel accordingly.

JULY 20, 1846 (SEC. 1).

S. L. 9, p. 38 (R. S. 4251).

CANAL-BOATS NOT TO BE LIBELED FOR WAGES.

* * * Nor shall any such boat [canal boats without masts or steam-power, now by law required to be registered, licensed, or enrolled and licensed] be subject to be libeled in any of the United States courts for the wages of any person or persons who may be employed on board thereof, or in navigating the same.

*R. S. 4251.

No canal-boat, without masts or steam-power, which is required to be registered, licensed, or enrolled and licensed, shall be subject to be libeled in any of the United States courts for the wages of any person who may be employed on board thereof, or in navigating the same. (See p. 88.)

APRIL 17, 1874.

S. L. 18, p. 30.

ALIEN MAY BE LICENSED AS ENGINEER OR PILOT UPON DECLARATION OF INTENTION AND SIX MONTHS' RESIDENCE.

That any alien who, in the manner provided for by law, has declared his intention to become a citizen of the United States, and who shall have been a permanent resident of the United States for at least six months immediately prior to the granting of such license, may be licensed, as if already naturalized, to serve as an engineer or pilot upon any steam-vessel subject to inspection under the provisions of the act entitled "An act to provide for the better security of life on board vessels propelled, in whole or in part, by steam, and for other purposes," approved February twenty-eighth, eighteen hundred and seventy-one. (See p. 8.)

TABLE 1—SUBJECTS

CHRONOLOGY OF THE LAWS, WITH REFERENCES TO DATES OF ENACTMENT, AMENDMENT, AND REPEAL, AS PUBLISHED IN THE STATUTES AT LARGE AND REVISED STATUTES, 1790-1918.

* Present law.

(Am.) Amended.

(Rep.) Repealed.

Subject.	Date of Original Enactment (1790-1873)	Section Rev. Stats. (2d Ed. 1878)	Date of Original Enactment, Amendment, or Repeal (1874-1918)	Vol. and Page Stats. at Large	Page This Vol.
NATURALIZATION OF SEAMEN: (See also "Licensed Officers" and "Manning Scale.")					
Naturalization after three years' service	June 7, 1872, s. 29	2174 (Rep.)	* May 9, 1918, s. 1	17, p. 268	5
" " "	" " "	"	"	40, p. 543	5
Certificate of citizenship	May 28, 1796, s. 4	* 4588	"	1, p. 477	6
List of certificates of citizenship	" " 7	* 4591	"	"	7
LICENSED OFFICERS: (See also "Manning Scale.")					
Vessels shall be commanded by citizen	Dec. 31, 1792, s. 1	4131 (Am.)	June 26, 1884, s. 1	"	7
Officers shall in all cases be citizens	"	"	* May 28, 1896	23, p. 53	7
" " " " "	"	"	* Oct. 22, 1914, s. 2	29, p. 188	8
" " " " "	"	"	April 17, 1874	38, p. 765	9
Alien licensed as engineer or pilot	"	"	Feb. 27, 1877	18, p. 30	170
Penalty for non-citizen officer	"	"	"	19, p. 250	10
Vessels navigating coastwise and on the Great Lakes.	Feb. 28, 1871, s. 51	* 4219 * 4401	"	16, p. 455	10
Duties of supervising inspectors	" " s. 24	* 4406	"	"	11
Duties of supervising inspectors as to violations of law	" " s. 25	* 4407	"	"	11
Penalty for violation of regulations	" " s. 29	* 4413	"	"	11
Ferry-boats, canal-boats, yachts, etc.	" " s. 58	4426 (Am.)	Dec. 22, 1890	"	12
" " "	"	"	Jan. 18, 1897	26, p. 692	12
" " "	"	"	* May 16, 1906	29, p. 489	12
" " "	"	"	"	34, p. 193	13

TABLE I—SUBJECTS—(Continued.)

Subject.	Date of Original Enactment (1790-1873)	Section Rev. Stats. (2d Ed. 1878)	Date of Original Enactment, Amendment, or Repeal. (1874-1918)	Vol. and Page Stats. at Large	Page This Vol.
Ferry-boats, canal-boats, yachts, etc.	Feb. 28, 1871, s. 59	*	*June 9, 1910, s. 5	36, p. 463	14
Tug-boats, freight-boats, etc.	" " s. 14	4427		16, p. 456	15
Licenses of officers by inspectors	" " s. 14	4438		" " 446	15
" " " "	" " s. 15	(Am.) "	Dec. 21, 1898, s. 1	30, p. 764	15
" " " "	" " s. 16	" "	Jan. 25, 1907	34, p. 864	15
Licenses of captain	" " s. 17	4439	*May 28, 1908, s. 2	35, p. 425	16
" " " "	" " s. 18	(Am.) "	*Dec. 21, 1898, s. 2	16, p. 446	16
Licenses of chief mate	" " s. 19	4440		30, p. 764	17
" " " "	" " s. 20	(Am.) "	*Dec. 21, 1898, s. 3	16, p. 446	17
Licenses of engineer	" " s. 21	4441		30, p. 765	17
" " " "	" " s. 22	" "	*Feb. 27, 1877	16, p. 252	18
Licenses of pilot	" " s. 23	4442		19, p. 447	19
Licenses of captain or mate as pilot	" " s. 24	4443		" " "	19
State regulation of pilots	" " s. 25	4444		" " 455	19
Oath of licensed officers	" " s. 26	4445		" " 456	20
" " " "	" " s. 27	(Am.) "	*March 23, 1900	31, p. 50	20
Licenses to be exhibited	" " s. 28	4446		16, p. 447	20
" " " "	" " s. 29	(Am.) "	*Feb. 19, 1907	34, p. 897	21
Renewal of officers' license	" " s. 30	4447		16, p. 456	21
Licensed officers to assist inspectors in examinations	" " s. 31	4448		" " "	21
" " " "	" " s. 32	(Am.) "	*March 3, 1915	38, p. 893	22
" " " "	" " s. 33	4449		16, p. 456	21
" " " "	" " s. 34	(Am.) "	March 3, 1905, s. 5	33, p. 1030	22
" " " "	" " s. 35	" "	*March 3, 1915	38, p. 893	22
Investigation of conduct of officers	" " s. 36	4450		16, p. 447	23
Appeal to supervising inspector	" " s. 37	4452		" " "	23
" " " "	" " s. 38	(Am.) "	March 3, 1905, s. 6	33, p. 1030	24
" " " "	" " s. 39	(Rep.) "	*June 10, 1918	40, p. 602	25
Effect of decisions by inspectors	" " s. 40	4455		16, p. 448	26
License fees	" " s. 41	4458		" " 457	26

TABLE I—SUBJECTS—(Continued.)

Subject.	Date of Original Enactment (1790-1873)	Section Stats. (2d Ed. 1878)	Date of Original Enactment, Amend- ment, or Renewal. (1874-1918)	Vol. and Page Stats. at Large	Page This Vol.
License fees		(Am.) 4458	April 5, 1882	22, p. 40	26
Officers and crew of passenger steamers	Feb. 28, 1871, s. 14	4463		16, p. 446	27
" " " "		(Am.)	April 2, 1908	35, p. 55	27
" " " "		"	*March 3, 1913	37, p. 732	28
" " " "		"	*Mar. 4, 1915, s. 14	38, p. 1170	28
Misconduct, loss of life, manslaughter		"	*May 11, 1918	40, p. 548	28
" " " "	" s. 57	5344		16, p. 456	30
Officers, seamen, cadets, and apprentices on vessels employed in the mail service		(Rep.)	*March 4, 1909, s. 282	35, p. 1144	30
Suspension of requirement of citizenship			*March 3, 1891, ss. 3, 7, 8	26, p. 831	31
MANNING SCALE:					
(See also "Licensed Officers.")			*Aug. 18, 1914	38, p. 698	31
Watchmen on passenger steamers	" " s. 6	* 4477		16, p. 446	32
Punishment for failure to keep watchmen	" " " "	* 4478		" " "	32
Lost seamen may be replaced	June 7, 1872, s. 14	4516		17, p. 265	32
" " " "		(Am.)	Dec. 21, 1898, s. 1	30, p. 755	33
" " " "		"	*March 4, 1915, s. 1	38, p. 1164	33
" " " "		"	*March 4, 1915, s. 13	" " 1169	33
Qualifications of seamen					
SHIPPING COMMISSIONER:					
(See also "Shipping Articles" and "De- ceased Seamen.")					
Appointment of shipping commissioner	June 7, 1872, s. 1	4501		17, p. 262	35
" " " "		(Am.)	June 9, 1874	18, p. 64	35
" " " "		"	*June 26, 1884, s. 27	23, p. 59	35
Bond and oath of commissioner	" " s. 2	4502		17, p. 262	36
" " " "	" " s. 8	(Am.) 4503	*April 26, 1906	34, p. 137	37
When officers of customs shall act as commissioners	" " s. 12	* 4504		17, p. 263	37
Penalty for unlawfully acting as com- missioner	" " " "		" " "	" " "	37
(ditto)	*Jan. 15, 1873	(Am.)		" " 410	37

TABLE I—SUBJECTS—(Continued.)

Subject.	Date of Original Enactment (1790-1873)	Section Rev. Stats. (2d Ed. 1878)	Date of Original Enactment, Amendment, or Repeal. (1874-1918)	Vol. and Page Stats. at Large	Page This Vol.
Clerks of commissioner	June 7, 1872, s. 3	* 4505		17, p. 262	38
Seal of commissioner	" " " 4	* 4506		" " " 263	38
Office of commissioner	" " s. 4	4507		" " " 263	38
Duties of commissioner	" " s. 4	(Am.)	* March 3, 1897, s. 1	29, p. 687	39
Commissioner to act as arbiter	" " s. 25	* 4508		17, p. 263	39
Fees of commissioner	" " s. 5	4554		" " 267	39
Payment of fees	" " s. 6	(1) 4592		" " 263	40
Limit of officers' compensation	" " s. 6	(1) 4593		" " " 277	40
Penalty for taking unlawful fees	" " s. 66	* 4594		" " " 263	40
Fees abolished	" " s. 7	* 4595	* June 19, 1886, s. 1	24, p. 79	41
SHIPPING ARTICLES:					
(See also "Shipping Commissioner" and "Scale of Provisions.")					
Particulars of shipping articles	(2) June 7, 1872, s. 12	* 4511		17, p. 264	42
Stipulations in shipping articles	Jan. 15, 1873	(Am.)	* March 3, 1897, s. 19	29, p. 691	43
Section shall not apply to certain vessels			June 9, 1874	17, p. 410	43
None of the provisions of the shipping commissioner's act shall apply to vessels in the coastwise or lake-going trade				18, p. 64	43
Shipping commissioner may ship and discharge crews in the coastwise trade			* June 19, 1886, s. 2	24, p. 80	44
Rules for shipping articles	June 7, 1872, s. 13	* 4512		17, p. 265	44
Exception as to shipping articles	" " s. 12	4513		" " 264	45
" " " "	" " s. 14	(Am.)	* Feb. 27, 1877	19, p. 252	45
Penalty for shipping without agreement	" " s. 14	* 4514		17, p. 265	45
Penalty for knowingly shipping seamen without articles	" " "	* 4515		" " "	45

(1) Repealed—June 19, 1886, p. 41

(2) Eighth item repealed in coastwise trade—Dec. 21, 1898, Sec. 25

TABLE I—SUBJECTS—(Continued.)

Subject.	Date of Original Enactment (1790-1873)	Section Rev. Stats. (2d Ed. 1878)	Date of Original Enactment, Amend- (1874-1918)	Vol. and Page Stats. at Large	Page This Vol.
Shipping seamen in foreign ports	June 7, 1872, s. 15	*	*June 26, 1884, s. 19	17, p. 265	46
Shipment in port of United States for foreign voyage				23, p. 53	46
Shipment in foreign port for one or more round trips	" " " "		* " " s. 20	" " "	46
Penalty for violating preceding section	" " " s. 20	*			
Posting copy of agreement (Forecastle Card)	July 20, 1790, s. 1	*		17, p. 265	47
Shipping articles for vessels in coasting trade		*		" " 266	47
(ditto)				1, p. 131	47
Penalty for shipping without articles	June 7, 1872, s. 12	*		17, p. 264	47
Penalty for omitting to begin voyage	July 20, 1790, s. 1	*		1, p. 131	47
" " " "	" " " s. 2	(Am.)		" " "	48
Unlawful shipments void	July 20, 1840		*Dec. 21, 1898, s. 2	30, p. 755	49
" " " "	June 7, 1872, s. 15	*		5, p. 395	49
List of crew to be delivered to collector	Feb. 28, 1803, s. 1			17, p. 265	49
" " " "	April 4, 1840, s. 2	*		2, p. 203	49
Certificate to list	March 3, 1813, s. 3	*		5, p. 370	49
Rules as to list of crew	July 20, 1840	*		2, p. 809	50
" " " "				5, pp. 394, 395, 397	50
Bond for return of seamen	Feb. 28, 1803, s. 1	(Am.)	*Feb. 27, 1877	19, p. 252	50
" " " "				2, p. 203	51
Definitions, schedules, and tables	June 7, 1872, s. 65	(Am.)	*March 3, 1897, s. 3	29, p. 688	52
Table A. Form of articles of agreement	" " " "	*		17, p. 277	52
Table B. Certificate of discharge	" " " "			" " "	53
Table C. Fees (seamen)	" " " "			" " "	54
Table D. " (apprentices)	" " " "			" " "	55
Table E. Reduction from wages of seamen	" " " "			" " "	55

TABLE I—SUBJECTS—(Continued.)

Subject.	Date of Original Enactment (1790-1873)	Section Rev. Stats. (2d Ed. 1878)	Date of Original Enactment, Amend- ment, or Repeal (1874-1918)	Vol. and Page Stats. at Large	Page This Vol.
Sections governing shipment and dis- charge of crews in coastwise trade when shipped and discharged in pres- ence of shipping commissioner (ditto) (ditto) (ditto)			Aug. 19, 1890	26, p. 320	55
Canal Zone in the foreign trade			*Feb. 18, 1895	28, p. 667	56
ADVANCE AND ALLOTMENT			*March 3, 1897, s. 8	29, p. 689	57
Allotment of wages			*April 11, 1904	33, p. 168	57
" " "			*Aug. 21, 1916, s. 9	40, p. 529	57
Advances " "					
Recovery in case of unlawful advance	June 7, 1872, s. 16	4531 (Rep.)	Dec. 21, 1898, s. 25	17, p. 266	58
" " "	" " s. 17	4532 (Rep.)	" " "	30, p. 764	58
" " "	" " s. 18	4533 (Rep.)	" " "	30, p. 764	58
Discount of advance security	" " s. 19	4534 (Rep.)	" " "	17, p. 266	59
Penalty for extortion for obtaining em- ployment	" " s. 11	4609 (Rep.)	" " "	30, p. 764	59
Advance abolished (ditto)			" " "	30, p. 764	
Allotment to original creditor			June 26, 1884, s. 10	23, p. 53	59
" " "			(3) June 19, 1886, s. 3	24, p. 80	60
Advance and allotment			Dec. 21, 1898, s. 24	30, p. 763	61
" " "			" " "	" "	61
" " "			April 26, 1904	33, p. 308	62
FORECASTLES:			*March 4, 1915, s. 11	38, p. 1168	63
Forecastle space		(Am.) 4153	Aug. 5, 1882	22, p. 300	64
" " "		"	*March 2, 1895 ss. 1, 3	28, p. 741	65
" " "			*March 3, 1897, s. 2	29, p. 688	66
" " "			*March 4, 1915, s. 6	38, p. 1165	67

(3) Repealed—Dec. 21, 1898, Sec. 25

TABLE I—SUBJECTS—(Continued.)

Subject.	Date of Original Enactment (1790-1873)	Section Rev. Stats. (2d Ed. 1878)	Date of Original Enactment, Amendment, or Repeal. (1874-1918)	Vol. and Page Stats. at Large	Page This Vol.
SCALE OF PROVISIONS—SURVEY OF FOOD: (See also "Shipping Articles" and "Survey of Vessel.")					
Provisions	July 20, 1790, s. 9	4564 (Am.)		1, p. 135	68
Compensation for shortage		"		30, p. 758	69
Examination of provisions	June 7, 1872, s. 36	*	*Dec. 21, 1898, s. 12	17, p. 269	69
Forfeiture for false complaint	" " s. 37			" "	70
"	" " s. 38	(Am.)		30, p. 758	70
Permission to enter complaint	" " s. 39	*	*Dec. 21, 1898, s. 13	17, p. 269	70
Allowance for reduction of provisions	" " s. 42	(Am.)		" " 270	70
"	" " s. 42	*	*Dec. 21, 1898, s. 14	30, p. 758	71
Weights and measures	" " s. 65			17, p. 270	72
Scale of provisions to be allowed	" " s. 65	4571 4612 (Am.)		" " 277	72
"		"	*Dec. 21, 1898, s. 23	30, p. 762	73
"		"	*March 4, 1915, s. 10	38, p. 1168	74
SURVEY OF VESSEL:					
Complaint that vessel is unseaworthy	July 20, 1790, s. 3	4556 (Am.)		1, p. 132	74
"	" " "	"	*Dec. 21, 1898, s. 7	30, p. 757	75
Proceedings upon examination of vessel	" " "	4557 (Am.)		1, p. 132	75
"	" " "	"	* " " s. 8	30, p. 757	76
Penalty for refusal to proceed when vessel found seaworthy	" " "	4558 (Am.)		1, p. 132	76
Appointment of inspectors by consul in foreign port	July 20, 1840	"	* " " s. 9	30, p. 757	77
(ditto)				5, p. 396	77
(ditto)	July 29, 1850	4559 (Am.)		9 p. 441	77
(ditto)		"	" " s. 10	30, p. 757	78
(ditto)	July 20, 1840	*	*March 4, 1915, s. 5	38, p. 1165	78
Report of inspectors	" " "	4560		5, p. 396	78
Discharge of seamen on account of unseaworthiness of vessel	" " "	4561		" "	79

TABLE 1—SUBJECTS—(Continued.)

Subject.	Date of Original Enactment (1790-1873)	Section Rev. Stats. (2d Ed. 1878)	Date of Original Enactment, Amendment, or Repeal. (1874-1918)	Vol. and Page Stats. at Large	Page This Vol.
Discharge of seamen on account of unseaworthiness of vessel		(Am.) 4561	June 26, 1884, s. 4	23, p. 53	79
Payment of charges for inspection (ditto)	July 20, 1840	"	*Dec. 21, 1898, s. 11	30, p. 758	80
Refusal to pay wages and charges, damages; penalty	" "	* 4562		5, p. 396	80
		* 4563		" 397	80
DISCHARGE AND PAYMENT OF WAGES:					
(See also "Duties of Consuls" and "Discharge in Foreign Port.")					
Commencement of wages	June 7, 1872, s. 30	* 4524		17, p. 268	81
Wages not dependent on freight	" " s. 32	* 4525		" "	81
Termination of wages by loss of vessel	" " s. 33	4526	*Dec. 21, 1898, s. 3	30, p. 755	81
Wages in case of improper discharge	" " s. 21	(Am.) 4527		17, p. 266	82
Suspension of wages	" " s. 34	* 4528		" "	82
Time for payment	July 20, 1790, s. 6			1, p. 133	82
" "	June 7, 1872, s. 35	4529		17, p. 269	82
" "		"		30, p. 756	83
Payment of wages at ports, etc.	July 20, 1790, s. 6	4530	Dec. 21, 1898, s. 4	38, p. 1164	83
" " " "		"	*March 4, 1915, s. 3	1, p. 133	84
" " " "		(Am.)		30, p. 756	84
No attachment or assignment of wages	June 7, 1872, s. 61	4536	Dec. 21, 1898, s. 5	38, p. 1165	85
" " " "		"	*March 4, 1915, s. 4	17, p. 276	85
Limit of sum recoverable during voyage	July 20, 1790, s. 4	(Rep.) 4537	*March 4, 1915, s. 12	38, p. 1169	85
Summons for non-payment of wages	July " " s. 6			1, p. 133	86
" " " "	Aug. 23, 1842, s. 1	* 4546		" "	86
Libel for wages	July 20, 1790, s. 6			5, p. 517	86
" " " "	Aug. 23, 1842, s. 1	4547		1, p. 133	86
" " " "	Aug. 23, 1842, s. 1	(Am.) 4547	*Dec. 21, 1898, s. 6	5, p. 517	86
Canal-boats not subject to libel	July 20, 1846, s. 1	* 4551		30, p. 756	87
Mode of discharge	June 7, 1872, s. 22	* 4549		9, p. 38	170
				17, p. 266	88

TABLE I—SUBJECTS—(Continued.)

Subject.	Date of Original Enactment (1790-1873)	Section Rev. Stats. (2d Ed. 1878)	Date of Original Enactment, Amendment, or Repeal (1874-1918)	Vol. and Page Stats. at Large	Page This Vol.
Account on discharge	June 7, 1872, s. 23	*		17, p. 267	88
Certificate of discharge	" " s. 24	*		" " "	89
Rules for settlement	" " s. 27	*		" " "	89
Certificate of character	" " s. 28	*		" " 268	90
Examination of witnesses	" " s. 26	*		" " "	90
Enforcement of forfeitures	" " s. 56	*		" " 275	91
Appropriation of wages to costs of conviction	" " s. 57	*		" " "	91
Suits by seamen			July 1, 1916	39, p. 313	91
" "			* July 1, 1918	40, p. 683	91
DUTIES OF CONSULS:					
(See also "Shipping Articles," "Discharge in Foreign Port," "Distressed Seamen," "Deceased Seamen," "Offenses and Punishments," etc.)					
Consular powers	Feb. 20, 1845, s. 2	*		5, p. 725	92
Protests	April 14, 1792, s. 2	*		1, p. 255	92
Lists and returns of seamen, vessels, etc.	Aug. 18, 1856, s. 27	*		11, p. 62	92
Fees allowed for official services	" " s. 28	*		" " 63	93
No profit from discharged seamen	" " s. 20	*	* June 26, 1884, s. 12	23, p. 57	93
Copies of receipts of consular fees, etc.	" " s. 18	*		11, p. 59	94
" " " "		(Am.)	" " s. 13	" " "	94
" " " "			* " " "	23, p. 57	94
DISCHARGE IN FOREIGN PORT:					
(See also "Duties of Consuls," "Distressed Seamen," etc.)					
Wages payable in gold	March 3, 1873	*		17, p. 602	95
Extra wages on discharge	Aug. 18, 1856, s. 26			11, p. 62	95
" " "	March 3, 1873	(Am.)		17, p. 580	95
" " "			* June 26, 1884, s. 2	23, p. 53	96
Penalty for neglect to collect extra wages	Aug. 18, 1856, s. 26	(Am.)	June 26, 1884, s. 7	11, p. 62	96
" " "			June 26, 1884, s. 7	23, p. 55	96

TABLE I—SUBJECTS—(Continued.)

Subject.	Date of Original Enactment (1790-1873)	Section Rev. Stats. (2d Ed. 1878)	Date of Original Enactment, Amendment, or Repeal. (1874-1918)	Vol. and Page Stats. at Large	Page This Vol.
Penalty for neglect to collect extra wages		(Am.) 4581	April 4, 1888, s. 3	25, p. 80	97
" " " " " "		" "	*Dec. 21, 1898, s. 16	30, p. 755	97
" " " " " "		" "	*March 4, 1915, s. 19	38, p. 1185	97
Extra wages on discharge in case of sale	Feb. 28, 1803, s. 3	4582	June 26, 1884, s. 5	2, p. 203	98
" " " " " "		(Am.) "	*Dec. 21, 1898, s. 17	23, p. 53	98
When extra wages may be remitted	July 20, 1840			30, p. 759	98
" " " " " "	Aug. 18, 1856, s. 26	4583	June 26, 1884, s. 3	5, p. 395	99
" " " " " "		(Am.) "	*Dec. 21, 1898, s. 18	11, p. 62	99
Disposal of extra wages	Feb. 28, 1803, s. 3			23, p. 53	99
" " " " " "	July 20, 1840			30, p. 760	100
" " " " " "	Aug. 18, 1856, s. 26	4584	June 26, 1884, s. 8	2, p. 203	100
" " " " " "		(Rep.)		5, p. 395	100
" " " " " "				11, p. 62	100
" " " " " "				23, p. 55	
DISTRESSED SEAMEN: (See also "Duties of Consuls, "Discharge in Foreign Port," etc.)					
Return of seamen	Feb. 28, 1803, s. 4	* 4577		2, p. 204	100
Penalty for refusing to receive seamen	" " " " "	4578	*June 26, 1884, s. 9	" "	101
" " " " " "		(Am.) "	*June 19, 1886, s. 18	23, p. 55	101
" " " " " "		" "		24, p. 83	102
Additional allowance for transportation of destitute seamen	Feb. 28, 1811	* 4579		2, p. 651	102
DECEASED SEAMEN. (See also "Duties of Consuls.")					
Effects of deceased seamen	June 7, 1872, s. 43	* 4538		17, p. 271	102
Proceedings in regard to effects of deceased seamen	" " " " s. 44	* 4539		" "	103
Penalty for neglect in regard to seamen's effects	" " " " s. 45	* 4540		" "	104
Duties of consular officers in regard to deceased seamen's effects	" " " " s. 46	* 4541		" "	105

TABLE I—SUBJECTS—(Continued.)

Subject.	Date of Original Enactment (1790-1873)	Section Rev. Stats., (2d Ed. 1878)	Date of Original Enactment, Amend- ment, or Repeal. (1874-1918)	Vol. and Page Stats., at Large	Page This Vol.
Duties of consular officers in regard to deceased seamen's effects		(Am.) 4541	March 3, 1897, s. 4	29, p. 689	105
Payment of wages in case of death with- in the United States	June 7, 1872 s. 47	* 4542		17, p. 272	105
Payment to circuit court (ditto)	" " s. 48	(Am.) "	" " s. 6	29, p. 689	106
Distribution of seaman's money and ef- fects by circuit court	" " s. 49	* 4543		17, p. 272	106
Unclaimed wages and effects of deceased seaman	" " s. 50	* 4544		" "	106
		4545		" 273	107
(ditto)		(Am.) "	" " s. 7	29, p. 689	107
OFFENSES AND PUNISHMENTS:					
(See also "Shipping Articles," "Illtreat- ment of Seamen," "Crimes.")					
Powers of foreign consuls over disputes between seamen	June 11, 1864, s. 1	* 4079		13, p. 121	108
Arrest of seaman on application of consul	" " s. 2	* 4080		" "	108
Commitment and discharge "	" " "	* 4081		" "	109
Various offenses by seamen; penalties	June 7, 1872, s. 51	(4) 4596	*March 4, 1915, s. 17	38, p. 1184	109
" " " "		(Am.) "	Dec. 21, 1898, s. 19	17, p. 273	110
" " " "		" "	*March 4, 1915, s. 7	30, p. 760	111
Entry of offense in log-book	" " s. 52	4597		38, p. 1166	113
" " " "		(Am.) "	*Dec. 21, 1898, s. 20	17, p. 274	114
Deserters may be apprehended on jus- tice's warrant	July 20, 1790, s. 7	4598		30, p. 761	114
(ditto)		(Rep.) "	Dec. 21, 1898, s. 25	1, p. 134	115
Arrest of seaman without warrant, when allowable	June 7, 1872, s. 53	4599		30, p. 765	115
(4) Repealed so far as relates to desertion from foreign vessels in ports of the United States—		(Rep.) "	Dec. 21, 1898, s. 25	17, p. 274	
		" " " "	" " " "	30, p. 765	
			Mar. 4, 1915, Sec. 17		

TABLE I—SUBJECTS—(Continued.)

Subject.	Date of Original Enactment (1790-1873)	Section Rev. Stats. (2d Ed. 1878)	Date of Original Enactment, Amendment, or Repeal. (1874-1918)	Vol. and Page Stats. at Large	Page This Vol.
Reclamation and discharge of deserters by consular officers (ditto) (ditto) (ditto) (ditto)	July 20, 1840, s. 17 June 7, 1872, s. 56	4600 " " " "	June 26, 1884, s. 6 Dec. 21, 1898, s. 21 *March 4, 1915, s. 8	5, p. 394 17, p. 275 23, p. 53 30, p. 755 38, p. 1167 17, p. 274	116 116 116 117 117 118
Penalty for drunkenness or neglect of duty	June 7, 1872, s. 54	* 4602		17, p. 274	118
Disposal of forfeitures	" " s. 55	* 4604		" "	118
Carrying sheath-knives prohibited	July 27, 1866, ss. 1, 2	* 4608		14, p. 304	119
Penalties and forfeitures, and how recorded	June 7, 1872, s. 64	* 4610		17, p. 276	119
Arrest of deserting seamen from foreign vessels (ditto) (ditto)	March 2, 1829 Feb. 24, 1855	5280 " (Rep.)	March 4, 1915, s. 17	4, p. 359 10, p. 614 38, p. 1184	120 120 109
CRIMES: (See also "Offenses and Punishments.") Offenses on the high seas, etc., where triable (ditto) (ditto) (ditto)	Aug. 30, 1790, s. 8 April 20, 1818, s. 4 May 15, 1820, ss. 3, 4, 5 March 3, 1825, ss. 5, 14			1, p. 113 3, p. 448 3, p. 600 4, pp. 115, 118	121 121 121 121
(ditto)	March 3, 1847	* 730		9, p. 175	121
When summary trials may be had	June 11, 1864, s. 2	* 4300		13, p. 124	121
Complaint and answer	" " s. 3, 4	* 4301		" " 125	121
Amendments and adjournments	" " s. 6	* 4302		" " "	122
Challenges to jurors	" " s. 7	* 4303		" " "	122
Limit of sentences	" " s. 5	* 4304		" " "	122
Recovery of penalties and forfeitures under Navigation Laws	Dec. 31, 1792, s. 29	* 4305		1, p. 298	123

TABLE I—SUBJECTS—(Continued.)

Subject.	Date of Original Enactment (1790-1873)	Section Rev. Stats. (2d Ed. 1878)	Date of Enactment, Amendment, or Repeal (1874-1918)	Vol. and Page Stats. at Large	Page This Vol.
Jurisdiction extended over Great Lakes, etc.			*Sept. 4, 1890	26, p. 424	123
Places and waters applicable			*March 4, 1909, s. 272	35, p. 1142	123
"Vessel of the United States" defined			*" " " s. 310	" " 1148	124
Offense begun in one district and completed in another			*March 3, 1911, ss. 42, 43	36, p. 1100	124
ABANDONMENT OF SEAMEN:					
Forcible abandonment of officer or mariner in foreign port (ditto)	March 3, 1825, s. 10	5363 (Rep.)		4, p. 117	125
ARSON:					
Arson of dwelling house within a fort, etc.	" " " s. 1	5385	*March 4, 1909, s. 295	35, p. 1146	125
(ditto)				4, p. 115	125
Arson of armory, arsenal, etc.	" " s. 2	" 5386	*" " " s. 285	35, p. 1144	126
" " " s. 11	" " s. 11	" 5387	*" " " s. 286	4, p. 115	126
" " " "				35, p. 1144	126
CASTING AWAY VESSEL:					
Owner destroying vessel at sea	March 26, 1804, s. 2	5365 (Am.)	Aug. 6, 1894, s. 1	2, p. 290	127
" " " "		" (Rep.)	*March 4, 1909, s. 300	28, p. 233	127
" " " "	" " s. 1	5366 (Am.)	Aug. 6, 1894, ss. 2, 3	35, p. 1147	127
Other persons destroying vessel at sea	July 29, 1850, s. 7	" (Rep.)	*March 4, 1909, s. 301	2, p. 290	128
" " " "			" " " "	28, p. 233	128
Attempt to destroy vessel at sea		5367 (Rep.)	*" " " "	35, p. 1147	128
" " " "				35, p. 1147	128
MAIMING:					
Maiming, etc.	April 30, 1790, s. 13	5348 (Rep.)	*" " " s. 283	1, p. 115	128
" " " "				35, p. 1144	129
MURDER, MANSLAUGHTER, RAPE, ETC.					
Murder	April 30, 1790, s. 3			1, p. 113	129

TABLE I—SUBJECTS—(Continued.)

Subject.	Date of Original Enactment (1790-1873)	Section Rev. Stats. (2d Ed. 1878)	Date of Original Enactment, Amendment, or Repeal (1874-1918)	Vol. and Page Stats. at Large -	Page This Vol.
Murder	March 3, 1825, s. 4	5339 (Am.)	March 3, 1875	4, p. 115	129
"		" (Rep.)	* March 4, 1909, s. 275	18 pp. 479, 480	129
"Murder" defined			* " " s. 273	35, p. 1143	129
Manslaughter	April 30, 1790, s. 7			" " "	130
"	March 3, 1857, s. 1	5341 (Rep.)	* " " s. 274	1, p. 113	130
"Manslaughter" defined				11, p. 250	130
Attempt to commit murder or manslaughter	March 3, 1857, s. 2	5342 (Rep.)	* " " s. 274	35, p. 1143	130
"				11, p. 250	130
Punishment of manslaughter	April 30, 1790, s. 7	" (Rep.)	* " " s. 277	35, p. 1143	131
"	March 3, 1857, s. 3	5343 (Rep.)	* " " s. 275	1, p. 113	131
"				11, p. 250	131
Rape	March 3, 1825, s. 4	5345 (Rep.)	* " " s. 278	35, p. 1143	131
"	" " s. 22	5346 (Rep.)	* " " s. 276	4, p. 115	131
Assault with a dangerous weapon				35, p. 1143	132
"				4, p. 121	132
MUTINY:				35, p. 1143	132
Inciting revolt or mutiny on shipboard	April 30, 1790, s. 12			1, p. 115	132
"	March 3, 1835, s. 2	5359 (Rep.)	* " " s. 292	4, p. 776	132
"				35, p. 1146	133
Revolt and mutiny on shipboard	April 30, 1790, s. 8			1, p. 113	133
"	March 3, 1835, s. 1	5360 (Rep.)	* " " s. 293	4, p. 775	133
"				35, p. 1146	134
PIRACY, PRIVATEERING:					
Piracy under the law of nations	March 3, 1819, s. 5			3, p. 513	134
"	May 15, 1820, s. 2	5368 (Rep.)	* " " s. 290	" " 721	134
"	Jan. 30, 1823			35, p. 1145	134
"		5369 (Rep.)	* " " s. 290	1, p. 113	134
Seaman laying violent hands on his commander	April 30, 1790, s. 8	" (Rep.)	* " " s. 294	35, p. 1146	134
" (ditto)					

TABLE I—SUBJECTS—(Continued.)

Subject.	Date of Original Enactment (1790-1873)	Section Rev. Stats. (2d Ed. 1878)	Date of Original Enactment, Amendment, or Repeal. (1874-1918)	Vol. and Page Stats. at Large	Page This Vol.
Robbery upon the high seas " " "	May 15, 1820, s. 3	5370 (Rep.)	* March 4, 1909, s. 284	3, p. 600	135
Robbery on shore by crew of piratical vessel	" " "	5371 (Rep.)	" " "	35, p. 1144	135
Piracy (ditto)	April 30, 1790, s. 9	5373 (Rep.)	" " "	3, p. 600	135
Piracy under color of a commission from a foreign power					
(ditto)	March 3, 1847	5374 (Rep.)	" " "	35, p. 1147	135
Piracy by subjects or citizens of a foreign state					
(ditto)	April 30, 1790, s. 12	5384 (Rep.)	" " "	1, p. 114	135
Confederating, etc., with pirates					
" " "	March 3, 1825, s. 6	5361 (Rep.)	" " "	35, p. 1147	136
PLUNDERING VESSEL:					
Attacking vessel with intent to plunder	March 3, 1825, s. 7	5362 (Rep.)	" " "	1, p. 115	136
Breaking and entering vessel, etc.					
" " "	April 30, 1790, s. 8	5383 (Rep.)	" " "	35, p. 1148	137
RUNNING AWAY WITH VESSEL:					
Running away with or yielding up vessel or cargo	Aug. 8, 1846, s. 5	5349 (Rep.)	" " "	4, p. 116	137
(ditto)					
(ditto)	March 24, 1860, s. 1	5350 (Rep.)	" " "	35, p. 1147	138
SEDUCTION:					
Seduction of female passengers on vessels	" " "	5351 (Rep.)	" " "	1, p. 113	138
(ditto)					
Payment of fine to female seduced	" " "	5351 (Rep.)	" " "	9, p. 73	138
Evidence required; limitation of indictment	" " "	5351 (Rep.)	" " "	35, p. 1148	139
(ditto)					
(5) Repealed—Mar. 4, 1909, Sec. 281					

TABLE I—SUBJECTS—(Continued.)

Subject.	Date of Original Enactment (1790-1873)	Section Rev. Stats. (2d Ed. 1878)	Date of Original Enactment, Amendment, or Repeal. (1874-1918)	Vol. and Page Stats. at Large	Page This Vol.
Carnal and unlawful knowledge of females under sixteen to be felony (ditto)			(6) Feb. 9, 1889	25, p. 658	140
SELLING ARMS, LIQUOR, ETC., TO PACIFIC ISLANDERS:			*March 4, 1909, s. 279	35, p. 1143	140
Pacific islands—sale of arms and intoxicants forbidden (ditto)			Feb. 14, 1902, ss. 1, 2, 3	32, p. 33	141
VISITING PASSENGERS' QUARTERS:			*Mch. 4, 1909, ss. 308, 309	35, p. 1148	141
Penalty upon visiting part of vessel assigned to emigrants	March 24, 1860, s. 2	4275		12, p. 3	142
Penalty for permitting officers or seamen to visit such part of vessel	" " " "	4276		" " "	142
Notice to be posted in emigrant vessels	" " " s. 3	4277		" " 4	143
" " " "		(Rep.) 4275 " 4276 " 4277	*Aug. 2, 1882, s. 7	22, p. 189	143
ACCIDENTS TO TOW-BARGES:					
Accidents to be reported			*March 4, 1915, s. 15	38, p. 1184	144
APPRENTICES:					
Conditions of apprenticeship	June 7, 1872, s. 9	4509		17, p. 263	144
Indenture of apprentice to be produced to Commissioner	" " " s. 10	4510		" " 264	144
FISHERMEN'S AGREEMENT:					
Agreement for fishing voyage	June 19, 1813, s. 1			3, p. 2	145
" " "	March 3, 1865	4391		13, p. 535	145
Penalty for violating agreement	June 19, 1813, s. 1	4392		3, p. 2	145
Recovery of shares of fish under agreement	" " " s. 2	4393		" " "	146
Discharge of vessel upon bond by owner	" " " s. 2	4394		" " "	147

6) Repealed—Mar. 4, 1909, Sec. 279

TABLE I—SUBJECTS—(Continued.)

Subject.	Date of Original Enactment (1790-1873)	Section Rev. Stats. (2d Ed. 1878)	Date of Original Enactment, Amendment, or Repeal (1874-1918)	Vol. and Page Stats. at Large	Page This Vol.
HARBORING DESERTERS, SOLICIT- ING LODGERS, ETC.					
Penalty for secreting seamen	July 20, 1790, s. 4	4601 " (Am.) (Rep.)	Feb. 18, 1875	1, p. 133	147
" " "		*	Dec. 21, 1898, s. 25	18, p. 320	147
Penalty for boarding vessels before ar- rival	June 7, 1872, s. 62	4616		17, p. 276	147
Penalty for soliciting seamen as lodgers	" " s. 63	*		" " "	148
" " "		(Am.)	*April 13, 1904	33, p. 174	148
ILLTREATMENT OF SEAMEN:					
Maltreatment of crew by officers of vessels	March 3, 1835, s. 3	5347		4, p. 776	148
(ditto)		"	March 3, 1897, s. 18	29, p. 691	148
(ditto)		(Am.) (Rep.)	*March 4, 1909, s. 291	35, p. 1145	149
Flogging abolished	Sept. 28, 1850, s. 1	4611		9, p. 515	149
" " "		(Am.)	Dec. 21, 1898, s. 22	30, p. 761	149
" " "		"	*March 4, 1915, s. 9	38, p. 1167	150
LIABILITY OF OWNER:					
Liability of owner not to exceed his interest	March 3, 1851, s. 3	* 4283		9, p. 635	150
(ditto)		4288	*June 26, 1884, s. 18	23, p. 57	150
Exception to limitation of liability	" " s. 7	4289		9, p. 636	151
Law extended to canal-boats, barges, and lighters		(Am.)	*June 19, 1886, s. 4	24, p. 80	151
LIABILITY OF CHARTERER:					
When charterer is deemed owner	March 3, 1851, s. 5	* 4286		9, p. 636	151
LIEN AND SALVAGE:					
Seaman shall not forfeit lien on ship	June 7, 1872, s. 31	* 4535	*Aug. 1, 1912	17, p. 268	152
Right to salvage not affected by joint ownership of vessels				37, p. 242	152
MARINE HOSPITALS:					
Assessment of forty cents per month	July 20, 1846, s. 1			9, p. 38	153

TABLE I—SUBJECTS—(Continued.)

Subject.	Date of Original Enactment (1790-1873)	Section Rev. Stats. (2d Ed. 1878)	Date of Original Enactment, Amendment, or Repeal. (1874-1918)	Vol. and Page Stats. at Large	Page This Vol.
Assessment of forty cents per month "	June 29, 1870, ss. 1, 2 Feb. 10, 1871, s. 1 " " " " " " " "	4585 4586 4587 "		16, p. 169 " " 595 " " " " " "	153 153 153 154
Hospital dues abolished Repeal of appropriation from tonnage tax		(Am.) (Rep.)	March 3, 1875, ss. 1, 2 June 26, 1884, s. 15 *March 3, 1905	18, p. 485 23, p. 57 33, p. 1217	154 154 154
Power to receive gifts in aid of marine hospitals	July 16, 1798, s. 4	*	4801	1, p. 606	155
Persons employed on canal-boats in the coasting trade excluded	Feb. 10, 1871	*	4804	16, p. 595	155
Foreign seamen admitted	May 3, 1802, s. 5	*	4805	2, p. 193 18, p. 485	155 156
Term "seaman" defined				28, p. 229	156
Life-saving crews entitled to benefits of marine hospitals					
REMOVAL OF MASTER: Removal of captain by owners of vessels	April 9, 1872	*	4250	17, p. 51	157
MEDICINES, LIME-JUICE, SLOP-CHEST, WARM ROOM: Medicines and lime-juice	July 20, 1790 June 7, 1872, s. 40	*	4569	1, p. 134 17, p. 270 23, p. 56	157 157 158
Vessels mentioned in R. S. 4569 shall also be provided with slop-chest					
Whaling and fishing vessels exempted					
Penalty for failure to keep medicines	" " s. 41	*	4570	24, p. 82	158
Woolen clothing and fuel	" " s. 42	*	4572	17, p. 270	158
Warm room in all trades					
EXEMPTION FROM MILITIA DUTY: Persons exempt from militia duty	May 8, 1792, s. 2	(Am.)	*Dec. 21, 1898, s. 15	30, p. 759 1, p. 272	159 159

TABLE I—SUBJECTS—(Concluded.)

Subject.	Date of Original Enactment (1790-1873)	Section Rev. Stats. (2d Ed. 1878)	Date of Original Enactment, Amendment, or Repeal. (1874-1918)	Vol. and Page Stats. at Large	Page This Vol.
Persons exempt from militia duty " " "	May 7, 1800, s. 4 April 30, 1810, s. 33	1629 " (Ann.)		2, p. 62 " " 603 32, p. 775	159 159 160
OFFICIAL LOG-BOOK Entries in log-book	June 7, 1872, s. 58	* 4290 " (Ann.)	* Jan. 21, 1903, s. 2		
Entry of collision	" " s. 59	* 4291	* Feb. 27, 1877	17, p. 275	160
Modes of making entries	" " s. 60	* 4292	* Feb. 14, 1900	19, p. 251	160
Penalty for omitting entries				31, p. 29	161
OFFICERS NOT FELLOW-SERVANTS: Officers not fellow-servants with seamen			* March 4, 1915, s. 20	17, p. 276 " " "	162 162
SEAMEN'S ACT: Abrogation of treaties Date of taking effect				33, p. 1185	162
SHANGHAING: Shanghaiing prohibited			* " " s. 16 " " " s. 18	" " 1184 " " 1185	163 163
Shanghaiing described			June 28, 1906	34, p. 551	164
RADIO COMMUNICATION: Apparatus and operators required			March 2, 1907	" " 1235	164
" " "			* March 4, 1909, s. 82	35, p. 1103	165
WATCH-AND-WATCH, HOLIDAYS, WORKDAY: Watch-and-watch at sea Sundays and holidays in port Workday in port			* June 24, 1910 * July 23, 1912 * Aug. 13, 1912, s. 3	36, p. 629 37, p. 199 " " 303	166 166 167
WITNESSES' FEES AND TRANSPORTATION: Seamen sent home as witnesses	Feb. 26, 1853, s. 3	* 851	* March 4, 1915, s. 2 " " " " " " " "	38, p. 1164 " " " " " "	168 169 169

TABLE II—ACTS OF CONGRESS AND REVISED STATUTES

DATES OF ACTS OF CONGRESS, SECTION NUMBERS AS RE-ENACTED IN
REVISED STATUTES, AND DATES OF SUBSEQUENT ACTS, 1790-1918.

* Present law.

(Am.) Amended

(Rep.) Repealed.

(Ren.) Re-enacted.

Date of Original Enactment	Sec. of Act	Section of Rev. Stats.	Page This Vol.
APRIL 30, 1790—			
Murder	3		129
Manslaughter	7		130
Punishment of manslaughter	"		131
Revolt and mutiny	8		133
Laying violent hands on com- mander	"	5369 *(Ren. Mar. 4, 1909, s. 294)	134
Running away with vessel	"		138
Piracy under color of foreign commission	9	5373 *(Ren. Mar. 4, 1909, s. 304)	135
Inciting revolt or mutiny	12		132
Confederating, etc., with pirates	"	5384 *(Ren. Mar. 4, 1909, s. 307)	136
Maiming	13	5348 *(Ren. Mar. 4, 1909, s. 283)	128
JULY 20, 1790—			
*Penalty for shipping without ar- ticles	1	4521	47
Penalty for omitting to begin voyage	2	4522	48
Complaint that vessel is unsea- worthy	3	4556	74
Proceedings upon examination of vessel	"	4557	75
Penalty for refusal to proceed when vessel found seaworthy	"	4558	76
*Limit of sum recoverable dur- ing voyage	4	4537	86
Penalty for secreting seamen	"	4601	147
Time for payment	6		82
Payment of wages at ports, etc.	"	4530	84
Summons for non-payment of wages	"		86
Libel for wages	"		86
Deserters may be apprehended on justices' warrant	7	4598 (Rep. Dec. 21, 1898, s. 25)	115
Medicines and lime-juice	8		157
Scale of provisions	9	4564	68
AUGUST 30, 1790—			
Offenses on the high seas, etc., where triable	8		121
APRIL 14, 1792—			
*Protests to consul	2	1707	92
MAY 8, 1792—			
Exemption from militia duty	2		159
DECEMBER 31, 1792—			
Vessels shall be commanded by citizen	1	4131	7
*Recovery of penalties	29	4305	123

TABLE II—(Continued.)

Date of Original Enactment	Sec. of Act	Section of Rev. Stats.	Page This Vol.
MAY 28, 1796—			
*Certificate of citizenship	4	4588	6
*List of certificates of citizen- ship	7	4591	7
JULY 16, 1798—			
*Power to receive gifts in aid of marine hospitals	4	4801	155
MAY 7, 1800—			
Exemption from militia duty	4		159
MAY 3, 1802—			
*Foreign seamen admitted to ma- rine hospitals	5	4805	155
FEBRUARY 28, 1803—			
List of crew to be delivered to collector	1		49
Bond for return of seamen	"	4576	51
Extra wages on discharge in case of sale	3	4582	98
Disposal of extra wages	"		100
*Return of seamen	4	4577	100
Penalty for refusing to receive seamen	"	4578	101
MARCH 26, 1804—			
Other persons destroying ves- sel at sea	1	5366	128
Owner destroying vessel at sea	2	5365 *(Ren. Mar. 4, 1909, s. 300)	127
APRIL 30, 1810—			
Exemption from militia duty	33	1629	159
FEBRUARY 28, 1811—			
*Additional allowance for trans- portation of destitute seamen		4579	102
MARCH 3, 1813—			
*Certificate to crew list	3	4574	50
JUNE 19, 1813—			
Agreement for fishing voyage	1		145
*Penalty for violating fishermen's agreement	"	4392	145
*Recovery of share of fish	2	4393	146
*Discharge of fishing vessel upon bond	"	4394	147
APRIL 20, 1814—			
Offenses on the high seas, etc., where triable	4		121
MARCH 3, 1819—			
Piracy under the law of nations	5		134
MAY 15, 1820—			
Piracy under the law of nations	2		134
Robbery on the high seas	3	5370	135
	"	*(Ren. Mar. 4, 1909, s. 284)	
Robbery on shore	"	5371	135
	"	*(Ren. Mar. 4, 1909, s. 302)	
Offenses on the high seas, etc., where triable	3, 4, 5		121
JANUARY 30, 1823—			
Piracy under the law of nations		5368	134
		*(Ren. Mar. 4, 1909, s. 290)	
MARCH 3, 1825—			
Arson	1	5385	125
		*(Ren. Mar. 4, 1909, s. 285)	

TABLE II—(Continued.)

Date of Original Enactment	Sec. of Act	Section of Rev. Stats.	Page This Vol.
Arson	2	5386	126
Murder	4	*(Ren. Mar. 4, 1909, s. 286) 5339	129
Rape	"	*(Ren. Mar. 4, 1909, s. 275) 5345	131
Offenses on the high seas, etc., where triable	5, 14	*(Ren. Mar. 4, 1909, s. 278)	121
Attacking vessel	6	5361	137
Breaking and entering vessel	7	*(Ren. Mar. 4, 1909, s. 298) 5362	138
Abandonment of seamen	10	*(Ren. Mar. 4, 1909, s. 299) 5363	125
Arson	11	*(Ren. Mar. 4, 1909, s. 295) 5387	126
Assault with a dangerous weapon	22	*(Ren. Mar. 4, 1909, s. 286) 5346	132
		*(Ren. Mar. 4, 1909, s. 276)	
MARCH 2, 1829—			
Arrest of deserting seamen from foreign vessels			120
MARCH 3, 1835—			
Revolt and mutiny	1	5360	133
Inciting revolt or mutiny	2	*(Ren. Mar. 4, 1909, s. 293) 5359	132
Maltreatment of crew by officers of vessels	3	*(Ren. Mar. 4, 1909, s. 292) 5347	148
APRIL 4, 1840—			
*List of crew to be delivered to collector	2	4573	49
JULY 20, 1840—			
Unlawful shipments void			49
Rules as to list of crew		4575	50
Appointment of inspectors by consul in foreign port			77
*Report of inspectors		4560	78
Discharge of seamen on account of unseaworthiness		4561	79
*Payment of charges for inspec- tion		4562	80
*Refusal to pay wages and charges; damages; penalty		4563	80
Reclamation and discharge of deserters by consular officers			116
When extra wages may be re- mitted			99
Disposal of extra wages			100
AUGUST 23, 1842—			
*Summons for non-payment of wages	1	4546	86
Libel for wages	"	4547	86
FEBRUARY 20, 1845—			
*Consular powers	2	1433	92
JULY 20, 1846—			
Assessment of forty cents per month for marine hospitals	1		153
*Canal-boats not subject to libel for wages	"	4251	170

TABLE II—(Continued.)

Date of Original Enactment	Sec. of Act	Section of Rev. Stats.	Page This Vol.
AUGUST 8, 1846—			
Running away with vessel	5	5383 *(Ren. Mar. 4, 1909, s. 306)	138
MARCH 3, 1847—			
*Offenses on the high seas, etc., where triable		730	121
Piracy by subjects of foreign state		5374 *(Ren. Mar. 4, 1909, s. 305)	136
JULY 29, 1850—			
Appointment of inspectors by consul in foreign port	6	4559	77
Casting away vessel	7	5367 *(Ren. Mar. 4, 1909, s. 301)	128
SEPTEMBER 28, 1850—			
Flogging abolished	1	4611	149
MARCH 3, 1851—			
*Liability of owner	3	4283	150
Liability of charterer	5	4286	151
*Limitation of liability	7	4288	150
Exception to limitation of lia- bility	"	4289	151
FEBRUARY 26, 1853—			
*Seamen sent home as witnesses	3	851	169
FEBRUARY 24, 1855—			
Arrest of deserting seamen from foreign vessels		5280	120
AUGUST 18, 1856—			
Copies of receipts of consular fees, etc.	18	4213	94
*No profit from discharged sea- men	20	1719	94
Extra wages on discharge	26		95
Penalty for neglect to collect extra wages	"	4581	96
When extra wages may be re- mitted	"	4583	99
Disposal of extra wages	"	4584	100
*Lists and returns of seamen, etc.	27	1708	92
*Fees allowed for official services	28	1718	93
MARCH 3, 1857—			
Manslaughter	1	5341 *(Ren. Mar. 4, 1909, s. 274)	130
Attempt to commit murder or manslaughter	2	5342 *(Ren. Mar. 4, 1909, s. 277)	130
Penalty for manslaughter	3	5343 *(Ren. Mar. 4, 1909, s. 275)	131
MARCH 24, 1860—			
Seduction	1	5349 *(Ren. Mar. 4, 1909, s. 280)	139
Visiting passengers quarters	2	4275	142
" " "	"	4276	142
" " "	3	4277	143
Seduction	4	5350 *(Ren. Mar. 4, 1909, s. 281)	139
"	5	5351 *(Ren. Mar. 4, 1909, s. 281)	140
JUNE 11, 1864—			
*Powers of foreign consuls over disputes between seamen	1	4079	108

TABLE II—(Continued.)

Date of Original Enactment	Sec. of Act	Section of Rev. Stats.	Page This Vol.
*Arrest of seaman on application of consul	2	4080	108
*Commitment and discharge	"	4081	109
*When summary trials may be had	"	4300	121
*Complaint and answer	3, 4	4301	121
*Limit of sentences	5	4304	122
*Amendments and adjournments	6	4302	122
*Challenges to jurors	7	4303	122
MARCH 3, 1865—			
*Agreement for fishing voyage		4391	145
JULY 27, 1866—			
*Carrying sheath knives prohib- ited	1, 2	4608	119
JUNE 29, 1870—			
Assessment for marine hospital	1, 2		153
FEBRUARY 10, 1871—			
Assessment for marine hospital	1	4585	153
" " " "	"	4586	153
" " " "	"	4587	154
*Persons employed on canal-boats not entitled to benefit of ma- rine hospital	"	4804	155
FEBRUARY 28, 1871—			
*Watchmen on passenger steam- ers	6	4477	32
*Punishment for failure to keep watchmen	"	4478	32
Officers and crew of passenger steamers	14	4463	27
Licenses of officers	"	4438	15
License of captain	15	4439	16
" " chief mate	16	4440	17
" " engineer	17	4441	18
* " " pilot	18	4442	19
* " " captain or mate as pilot	"	4443	19
License to be exhibited	"	4446	20
*State regulation of pilots	51	4444	19
" " " "	56	4445	20
*Investigation of conduct	19	4450	23
Appeal to supervising inspector	20	4452	23
*Effect of decisions of inspectors	21	4455	26
*Duties of supervising inspector	24	4406	11
* " " " "	25	4407	11
*Penalty for violation of regula- tions	29	4413	11
*Vessels subject to Navigation Laws	51	4401	10
Officers to assist inspectors	54	4448	21
" " " "	55	4449	21
Oath of licensed officers	56	4445	20
Renewal of licenses	"	4447	21
Misconduct, etc.	57	5344	30
Ferry-boats, canal-boats, etc.	58	4426	12
* " " " "	59	4427	15
License fees	60	4458	26
APRIL 9, 1872—			
*Removal of master		4250	157

*(Ren. Mar. 4, 1909, s. 282)

TABLE II—(Continued.)

Date of Original Enactment	Sec. of Act	Section of Rev. Stats.	Page This Vol.
JUNE 7, 1872—			
(Shipping Commissioners' Act.)			
Appointment of shipping commissioner	1	4501	35
Bond and oath of shipping commissioner	2	4502	36
*Clerks of commissioner	3	4505	38
*Seal of commissioner	"	4506	38
Office of commissioner	4	4507	38
*Duties of commissioner	"	4508	39
Fees of commissioner	5	4592	40
Payment of fees	6	4593	40
*Penalty for taking unlawful fees	7	4595	40
*Officers of Customs acting as commissioner	8	4503	37
*Conditions of apprenticeship	9	4509	144
*Indenture of apprentice	10	4510	144
Penalty for extortion	11	4609	59
Penalty for unlawfully acting as commissioner	12	(Rep. Dec. 21, 1898, s. 25) 4504	37
*Particulars of shipping articles	"	4511	42
Exception as to shipping articles	"	4513	45
*Shipping articles for vessels in coasting trade	"	4520	47
*Rules for shipping articles	13	4512	44
Lost seamen may be replaced	14	4516	32
*Penalty for shipping without agreement	"	4514	45
*Penalty for knowingly shipping seaman without agreement	"	4515	45
*Shipping seamen in foreign ports	15	4517	46
*Penalty for violating preceding section	"	4518	47
*Unlawful shipments void	"	4523	49
Allotment of wages	16	4531	58
Advances	17	(Rep. Dec. 21, 1898, s. 25) 4532	58
Recovery in case of unlawful advance	18	(Rep. Dec. 21, 1898, s. 25) 4533	58
Discount of advance security	19	(Rep. Dec. 21, 1898, s. 25) 4534	59
*Posting copy of agreement (Forecastle Card)	20	(Rep. Dec. 21, 1898, s. 25) 4519	47
*Wages in case of improper discharge	21	4527	82
*Mode of discharge	22	4549	88
*Account on discharge	23	4550	88
*Certificate of discharge	24	4551	89
*Commissioner to act as arbiter	25	4554	39
*Examination of witnesses	26	4555	90
*Rules for settlement	27	4552	89
*Certificate of character	28	4553	90
Naturalization of seamen	29	2174	5
*Commencement of wages	30	4524	81
*Seamen shall not forfeit lien on ship	31	4535	152
*Wages not dependent on freight	32	4525	81

TABLE II—(Continued.)

Date of Original Enactment	Sec. of Act	Section of Rev. Stats.	Page This Vol.
Termination of wages by loss of vessel	33	4526	81
*Suspension of wages	34	4528	82
Time for payment	35	4529	82
*Examination of provisions	36	4565	69
Forfeiture for false complaint	37	4566	70
*Permission to enter complaint	38	4567	70
Allowance for reduction of provisions	39	4568	70
*Medicines and lime-juice	40	4569	157
*Penalty for failure to keep medicines	41	4570	158
*Weights and measures	42	4571	72
Woolen clothing and fuel	"	4572	159
*Effects of deceased seamen	43	4538	102
*Proceedings in regard to effects of deceased seaman	44	4539	103
*Penalty for neglect in regard to seamen's effects	45	4540	104
*Duties of consular officers in regard to deceased seamen's effects	46	4541	105
*Payment of wages in case of death within the United States	47	4542	105
*Payment to circuit court	48	4543	106
*Distribution of seaman's money and effects	49	4544	106
Unclaimed wages and effects	50	4545	107
Various offenses by seamen; penalties	51	4596	110
Entry of offenses in log-book	52	4597	114
Arrest of seaman without warrant	53	4599	115
		(Rep. Dec. 21, 1898, s. 25)	
*Penalty for drunkenness	54	4602	118
*Disposal of forfeitures	55	4604	118
Reclamation and discharge of deserters by consular officers	56	4600	116
*Enforcement of forfeitures	"	4603	91
*Appropriation of wages to costs of conviction	57	4605	91
*Entries in log-book	58	4290	160
*Mode of making entries	59	4291	162
*Penalty for omitting entries	60	4292	162
No attachment or assignment of wages	61	4536	85
*Penalty for boarding vessel	62	4606	147
*Penalty for soliciting seamen as lodgers	63	4607	148
*Penalties and forfeitures and how recorded	64	4610	119
*Definitions, schedules, and tables	65	4612	52
Scale of provisions to be allowed	"	"	72
*Limit of officers' compensation	66	4594	40
JANUARY 15, 1873—			
*Penalty for unlawfully acting as commissioner		(Am.) 4504	37
Sections shall not apply to certain vessels		4511	43
MARCH 3, 1873—			
*Wages payable in gold		4548	95

TABLE II—(Continued.)

Date of Original Enactment	Sec. of Act	Section of Rev. Stats.	Page This Vol.
Extra wages on discharge		4580	95
APRIL 17, 1874—			
License of alien as engineer or pilot			170
JUNE 9, 1874—			
Appointment of shipping com- missioner		(Am.) 4501	35
JUNE 19, 1874—			
None of the provisions of Act June 7, 1872, shall apply to coastwise vessels			43
FEBRUARY 18, 1875—			
Penalty for secreting seamen		" 4601 (Rep. Dec. 21, 1898, s. 25)	147
MARCH 3, 1875—			
Murder		(Am.) 5339	129
Assessment for marine hospital	1, 2	" 4585	154
		" 4586	
		" 4587	
*Term "seaman" defined	3,4,5, 6,7,8,		156
FEBRUARY 27, 1877—			
*Penalty for non-citizen officer		" 4219	10
*License of engineers		" 4441	18
*Exception as to shipping articles		" 4513	45
*Rules as to list of crew		" 4575	50
*Entries in log-book		" 4290	160
APRIL 5, 1882—			
License fees		" 4458	26
AUGUST 2, 1882—			
*Visiting passengers' quarters	7	(Rep.) 4275	143
		" 4276	
		" 4277	
AUGUST 5, 1882—			
Forecastle space		(Am.) 4153	64
JUNE 26, 1884—			
(Dingley Act.)			
Officers shall be citizens	1	" 4131	7
*Extra wages on discharge	2	" 4580	96
When extra wages may be re- mitted	3	" 4583	99
Discharge of seaman on account of unseaworthiness	4	" 4561	79
Extra wages on discharge in case of sale	5	" 4582	98
Reclamation and discharge of de- serters by consular officer	6	" 4600	116
Penalty for neglect to collect extra wages	7	" 4581	96
Disposal of extra wages	8	(Rep.) 4584	26
*Penalty for refusal to receive seamen	9	(Am.) 4578	101
Advance abolished	10		59
*Slop chest	11		158
*Fees allowed for official services	12		93
*Copies of receipts of consular fees, etc.	13	" 4213	94
*Hospital dues abolished	15	(Rep.) 4585	154
		" 4586	
		" 4587	

TABLE II—(Continued.)

Date of Original Enactment	Sec. of Act	Section of Rev. Stats.	Page This Vol.
*Limitation of liability	18		150
*Shipment in United States for foreign voyage	19		46
*Shipment in foreign port for one or more round trips	20		46
*Appointment of shipping com- missioner	27	(Am.) 4501	35
JUNE 19, 1886—			
*Fees abolished	1		41
*Shipping commissioner may ship and discharge crews in coast- wise trade	2		44
Allotment to original creditor	3		60
*Liability law extended to canal- boats, etc.	4	" 4289	151
*Whaling and fishing vessels ex- empted	13		158
*Penalty for refusal to receive seamen	18	" 4578	102
APRIL 4, 1888—			
Penalty for neglect to collect extra wages	3	" 4581	96
FEBRUARY 9, 1889—			
Seduction (Ren. Mar. 4, 1909, s. 279).			140
AUGUST 19, 1890—			
Sections governing shipment and discharge of crews in coasting trade in presence of shipping commissioner			55
SEPTEMBER 4, 1890—			
*Jurisdiction (crimes) extended over Great Lakes, etc.			123
DECEMBER 22, 1890—			
Ferry-boats, etc.		" 4426	12
MARCH 3, 1891—			
(Postal Subsidy Act.)			
*Officers, etc., on vessels in mail service	3, 7, 8		31
AUGUST 4, 1894—			
*Life-saving crews entitled to benefit of marine hospital			156
AUGUST 6, 1894—			
Casting away vessel	1	" 5365	127
" " "	2, 3	" 5366	128
FEBRUARY 18, 1895—			
(Maguire Act.)			
*Sections governing shipment and discharge of crews in coasting trade in presence of shipping commissioner			56
MARCH 2, 1895—			
*Forecastle space	1, 3,	" 4153	65
MAY 28, 1896—			
*Officers shall be citizens		" 4131	8
JANUARY 18, 1897—			
Ferry-boats, etc.		" 4426	12
MARCH 3, 1897—			
*Office of commissioner	1	" 4507	38
*Forecastle space	2		66

TABLE II—(Continued.)

Date of Original Enactment	Sec. of Act	Section of Rev. Stats.	Page This Vol.
*Bond for return of seamen	3	(Am.) 4576	52
*Duties of consular officers in regard to deceased seamen's effects	4	" 4541	105
*Payment of wages in case of death within the United States	6	" 4542	106
*Unclaimed wages and effects	7	" 4545	107
*Sections governing shipment and discharge of crew in coasting trade in presence of shipping commissioner	8		57
Maltreatment of crew	18	" 5347	148
*Stipulations in shipping articles	19	*(Ren. Mar. 4, 1909, s. 291) (Am.) 4511	43
DECEMBER 21, 1898— (White Act.)			
Lost seamen may be replaced	1	" 4516	33
*Penalty for omitting to begin voyage	2	" 4522	49
*Termination of voyage by loss of vessel	3	" 4526	81
Time for payment	4	" 4529	83
Payment of wages at ports, etc.	5	" 4530	84
*Libel for wages	6	" 4547	87
*Complaint that vessel is unsea- worthy	7	" 4556	75
*Proceedings upon examination of vessel	8	" 4557	76
*Penalty for refusal to proceed when vessel found seaworthy	9	" 4558	77
Appointment of inspectors by consul in foreign port	10	" 4559	78
*Discharge of seamen on account of unseaworthiness	11	" 4561	80
*Compensation for shortage of provisions	12	" 4564	69
*Forfeiture for false complaint	13	" 4566	70
*Allowance for reduction of pro- visions	14	" 4568	71
*Warm room in all trades	15	" 4572	159
*Penalty for neglect to collect extra wages	16	" 4581	97
*Extra wages on discharge in case of sale	17	" 4582	98
*When extra wages may be re- mitted	18	" 4583	100
Various offenses by seamen; pen- alties	19	" 4596	111
*Entry of offense in log-book	20	" 4597	114
Reclamation and discharge of de- serters by consular officers	21	" 4600	117
Flogging abolished	22	" 4611	149
*Scale of provisions to be allowed	23	" 4612	72
Advance and allotment	24		61
Allotment to original creditor	"		61
Sections repealed. (See notes un- der sections above.)			61
DECEMBER 21, 1898—			
Licenses of officers.	1	" 4438	15
*License of captain	2	" 4439	17
*License of chief mate	3	" 4440	17

TABLE II—(Continued.)

Date of Original Enactment	Sec. of Act	Section of Rev. Stats.	Page This Vol.
FEBRUARY 14, 1900—			
*Entries in log-book		(Am.) 4290	161
MARCH 23, 1900—			
*Oath of licensed officers		" 4445	20
FEBRUARY 14, 1902—			
Selling arms, liquors, etc., to Pacific islanders	1, 2, 3,		141
JANUARY 21, 1903—			
*Exemption from militia duty	2	" 1629	160
APRIL 11, 1904—			
*Attachment of clothing prohibited			57
APRIL 13, 1904—			
*Penalty for soliciting seamen as lodgers		" 4607	148
APRIL 26, 1904—			
Advance and allotment			
MARCH 3, 1905—			
Officers to assist inspectors	5	" 4449	62
Appeal to supervising inspector	6	" 4452	22
*Repeal of appropriation from tonnage tax			24
APRIL 26, 1906—			154
*Bond and oath of commissioner		" 4502	
MAY 16, 1906—			
*Ferry-boats, etc.		" 4426	37
JUNE 28, 1906—			
Shanghaiing prohibited			13
JANUARY 25, 1907—			
Licenses of officers		" 4438	164
FEBRUARY 19, 1907—			
*Licenses to be exhibited		" 4446	15
MARCH 2, 1907—			
Shanghaiing prohibited			21
APRIL 2, 1908—			
Officers and crew of passenger steamers		" 4463	164
MAY 28, 1908—			
*Licenses of officers	2	" 4438	27
MARCH 4, 1909—			
*Shanghaiing described	82		16
*Places and waters applicable (crimes)	272		165
*"Murder" defined	273		123
*Carnal and unlawful knowledge of females under sixteen	279		130
*Selling arms, liquor, etc., to Pacific Islanders	308,		140
*"Vessel of United States" defined	309		141
Repeals and re-enactments. (See notes in parentheses under sections above.)	310		124
JUNE 9, 1910—			
*Ferry-boats, etc.	5	" 4426	
JUNE 24, 1910—			
*Radio apparatus and operators required			14
MARCH 3, 1911—			
*Offenses begun in one district and completed in another	42, 43		166
			124

TABLE II—(Continued.)

Date of Original Enactment	Sec. of Act	Section of Rev. Stats.	Page This Vol.
JULY 23, 1912—			
*Radio apparatus and operators required			166
AUGUST 1, 1912—			
*Right to salvage not affected by joint ownership of vessels			152
AUGUST 13, 1912—			
*Radio apparatus and operators required	3		167
MARCH 3, 1913— (Hardy Act.)			
*Officers and crew of passenger steamers		(Am.) 4463	28
AUGUST 18, 1914— (Ship Registry Act.)			
*Suspension of requirement of citizenship of officers			31
OCTOBER 22, 1914—			
*Officers shall be citizens	2	" 4131	9
MARCH 3, 1915—			
*Officers to assist inspectors		" 4448	22
*" " "		" 4449	22
MARCH 4, 1915— (Seamen's Act.)			
*Lost seamen may be replaced	1	" 4516	33
*Watch-and-watch, holidays, work-day	2		168
*Time for payment	3	" 4529	83
*Payment of wages at ports, etc.	4	" 4530	85
*Appointment of inspectors by consul in foreign port	5	" 4559	78
*Forecastle space	6		67
*Various offenses by seamen; penalties	7	" 4596	113
*Reclamation and discharge of deserters by consular officers	8	" 4600	117
*Flogging abolished	9	" 4611	150
*Scale of provisions to be allowed	10	" 4612	74
*Advance and allotment	11		63
*No attachment or assignment of wages	12	(Rep.) 4536	85
*Qualifications of seamen	13		33
*Certificated lifeboatmen	14		28
*Accidents to tow-barges	15		144
*Abrogation of treaties	16		163
*Commitment and discharge	17	" 4081	109
*Arrest of deserting seamen from foreign vessels	"	" 5280	109
*Date of taking effect	18		163
*Penalty for neglect to collect extra wages	19	(Am.) 4581	97
*Officers not fellow-servants	20		162
JULY 1, 1916—			
Suits by seamen			91
AUGUST 21, 1916—			
*Canal Zone in foreign trade	9		57
MAY 9, 1918—			
*Naturalization of seamen	1	(Rep.) 2174	5

TABLE II—(Concluded.)

Date of Original Enactment	Sec. of Act	Section of Rev. Stats.	Page This Vol.
MAY 11, 1918— *Officers and crew of passenger steamers		(Am.) 4463	28
JUNE 10, 1918— *Appeal to supervising inspector		(Rep.) 4452	25
JULY 1, 1918— *Suits by seamen			91

APPENDIX

A REVIEW OF THE PRINCIPAL SUBJECTS OF LEGISLATION, 1790-1918.

SHOWING THE DEVELOPMENT OF THE LAW FROM THE DATE OF ORIGINAL
ENACTMENT, THROUGH SUCCESSIVE AMENDMENTS,
TO THE PRESENT TIME.

CITIZENSHIP OF SEAMEN.

The act of Dec. 31, 1792, sec. 1 (S. L. 1, p. 287), provided that vessels should not continue to enjoy the benefits and privileges of American registry "longer than they shall continue to be wholly owned, and to be commanded by a citizen or citizens of said States."

The act of Mar. 3, 1813 (S. L. 2, p. 809), provided that from and after the termination of the war with Great Britain "it shall not be lawful to employ on board any of the public or private vessels of the United States any person or persons except citizens of the United States, or persons of color, natives of the United States." The same act provided that naturalized citizens, before engagement on any vessel, should produce their certificates of naturalization, and granted permission to shipmasters, while in a foreign port, to employ subjects of such foreign country for the purpose of supplying any deficiency of seamen on board.

The act of Mar. 1, 1817 (S. L. 3, p. 351), provided that the bounties granted vessels engaged in the fisheries should be paid "only on boats or vessels, the officers and at least three-fourths of the crew of which shall be * * * citizens of the United States"; reduced the tonnage duty payable on American vessels entering ports of the United States in the coastwise trade, from fifty cents to six cents per ton, in case of vessels manned as above stated, and imposed a tonnage tax of fifty cents per ton upon all American vessels entered in the United States from a foreign port, "unless the officers and at least two-thirds of the crew shall be proved citizens of the United States, or persons not subject to any foreign prince or state."

The act of May 31, 1830 (S. L. 4, p. 425), abolished the requirement of tonnage duties on American vessels, "of which the officers and two-thirds of the crew shall be citizens of the United States."

The act of June 26, 1848 (S. L. 9, p. 240), repealed the provision of the act of March 3, 1813, requiring that seamen must reside in

the United States continuously for five years before being admitted to become citizens of the United States.

The act of June 28, 1864 (S. L. 13, p. 201), repealed the citizenship requirements contained in the acts of Mar. 3, 1813, Mar. 1, 1817, and May 31, 1830. The same act provided, however, that "officers of vessels of the United States shall in all cases be citizens of the United States."

The act of June 7, 1872, sec. 29 (S. L. 17, p. 268), provided that every seaman who declares his intention may be admitted to citizenship upon proof of three years' service in American vessels subsequent to the date of declaration. The act of May 9, 1918, reenacted the law to practically the same effect as above stated (p. 5).

The act of March 3, 1891 (commonly called the Postal Subsidy Act), secs. 3, 7, 8 (S. L. 26, p. 831), provided that in vessels employed in the mail service under the provisions of said act the following proportion of the crew shall be citizens of the United States, to-wit: During the first two years of the contract for carrying the mails, one-fourth thereof; during the next three succeeding years, one-third thereof, and during the remaining term of the continuance of the contract at least one-half thereof. Said vessels are also required to carry, as cadets or apprentices, one American-born boy under twenty-one years of age for each one thousand tons gross register, and one for each majority fraction thereof, "who shall be educated in the duties of seamanship, rank as petty officers, and receive such pay for their services as may be reasonable." The same act provided that officers of the United States Navy may volunteer for service on said mail vessels (p. 31).

The provisions of the last-mentioned act contain the only requirement as to citizenship of seamen now employed on American vessels, as distinguished from the requirement that officers shall in all cases be citizens of the United States.

THE FIRST GENERAL LAW.

The first law enacted by Congress for the regulation of the relations between seamen and their employers was passed on July 20, 1790, and became effective on December 1 of that year. Its provisions included, among others, the requirement of a written agreement (Shipping Articles), rules for the payment of wages, survey of vessel, offenses and punishments, medicines and lime-juice, and Scale of Provisions.

Shipping Articles.

The act of July 20, 1790 (sec. 1), provided that an agreement in writing or in print should be made in all trades, foreign and coast-

wise, except trade between ports in adjoining States. The law remained in this form until the passage of the act of June 7, 1872 (sec. 12, R. S. 4511, p. 42). That measure originally provided that the requirement of a written agreement should not be applicable to vessels in the coastwise trade, except trade between ports on the Atlantic and Pacific. The amendment of January 15, 1873 (p. 43), extended this exemption to the trade between the United States and near-by foreign countries, i. e., Canada, the West Indies, and Mexico. The amendment of June 9, 1874 (p. 43), provided that none of the provisions of the act of June 7, 1872, should apply in the exempted trades. (See also "Shipping Commissioner's Act.")

Notwithstanding the exemptions above noted, as to certain features of the law applicable to seamen engaged in the presence of a shipping commissioner, the requirement of a written agreement in the coastwise, as in all other trades, except in trade between adjoining States, declaring the voyage and term of time for which the seaman was shipped, continued in force, as originally enacted by the law of 1790, and was later re-enacted by R. S. 4520-4522 (pp. 47, 48). These sections, in addition to those of general applicability, constitute the present law governing seamen in the coastwise trade when agreements are made directly with the master, without going before a shipping commissioner.

Payment of Wages.

The act of 1790 (sec. 4) provided that no sum exceeding one dollar should be recoverable from any seaman during the time of his employment (R. S. 4537, p. 86); that every seaman should be entitled to receive one-third of the wages due him at every port of discharge during the voyage, "unless the contrary be expressly stipulated in the contract" (R. S. 4530, p. 84); that wages should be payable in full immediately upon completion of the voyage (R. S. 4529, p. 82), and that the seaman should have summary process in case his wages were not paid within ten days after his discharge from the vessel (R. S. 4546, 4547, p. 86).

The act of June 7, 1872 (sec. 21), provided that a seaman discharged without fault on his own part before the commencement of the voyage or before one month's wages are earned should be entitled to one month's extra wages (R. S. 4527, p. 82); that the right to wages should commence at the time the seaman commences work or at the time agreed upon to commence work, whichever first happens (R. S. 4524, p. 81); that the right to wages should not be dependent on the earning of freight by the ship (R. S. 4525, p. 81); that wages should cease at the time of wreck (R. S. 4526, p. 81).

Section 35 of the same act provided that wages should be payable in full within two days after the termination of the voyage, in the coastwise trade, and within three days after the cargo has been discharged or within five days after the seaman's discharge, whichever first happens, in the foreign trade; and in all cases the seaman shall be entitled to one-fourth of his wages at the time of his discharge, under penalty of payment to the seaman of a sum not exceeding the amount of two days' pay for each day, not exceeding ten days, during which payment in full is delayed (R. S. 4529, p. 82). Section 61 provided that no wages due or accruing to any seaman should be subject to attachment (R. S. 4536, p. 85).

The only changes made in the law as above stated are as follows: The act of Dec. 21, 1898 (sec. 3, p. 81), provided that shipwrecked seamen should be treated and transported to the United States as destitute seamen, in accordance with R. S. 4577, 4578 and 4579, pp. 100, 102. The same act (sec. 4) provided that wages should be payable in full within two days, in the coastwise trade, and within twenty-four hours after the cargo is discharged or four days after the seaman is discharged, whichever first happens, in the foreign trade, under penalty of one day's pay for each day's delay, without limit (R. S. 4529, p. 83). The same act (sec. 5) provided that the seaman should receive one-half of the wages due him at every port of lading or discharge during the voyage, "unless the contrary be expressly stipulated in the contract" (R. S. 4530, p. 84).

The act of March 4, 1915 (sec. 3, p. 83), amended R. S. 4529 by increasing the penalty for delay in payment of wages from one day's pay to two days' pay for each day's delay, without limit; amended R. S. 4530 (p. 85) by providing that the seaman shall be entitled to one-half of the wages which he shall have then earned at every port of lading and discharge during the voyage, "and all stipulations in the contract to the contrary shall be void"; repealed R. S. 4536 and substituted therefor a provision that the wages of seamen and fishermen shall be exempt from attachment, except for the support of wife and minor children (p. 85). (See also "Seamen's Act.")

The act of July 1, 1916 (sec. 1, Judicial), as amended July 1, 1918, provided that in seamen's suits for the recovery of wages, etc., no bonds or prepayment of fees shall be required (p. 91).

Survey of Vessel.

The act of July 20, 1790 (sec. 3), provided that a survey shall be held on any vessel bound to a foreign port (and before the vessel shall have left the land) upon demand of the mate and a majority

of the crew. In event the vessel were found seaworthy the seamen were bound to pay the expenses of the survey and proceed upon the voyage, under pain of imprisonment until they shall have paid double the sum advanced at the time of signing Articles, together with costs (R. S. 4556, 4557, 4558, pp. 74, 77).

The act of July 20, 1840 (sec. 12), provided for survey in a foreign port upon demand of the first officer, or any officer, and a majority of the crew. In the case of a vessel sent to sea unsuitably provided by neglect or design, the crew shall be discharged and receive three months' extra wages. In event of the master's failure to remedy the cause of complaint, the crew shall, upon their request, be discharged, and receive each one month's extra wages (R. S. 4559, p. 77).

The act of July 29, 1850 (sec. 6), provided that all complaints of unseaworthiness shall be signed by the first, or the second and third officers, and a majority of the crew, before the consul shall be authorized to appoint inspectors (R. S. 4559, p. 77).

The act of June 26, 1884 (sec. 4), reduced the amount of extra wages payable in case of a vessel sent to sea unsuitably provided, by neglect or design, from three months' wages to one month's wages, and abolished the right of discharge, with one month's extra wages, in case of the seamen's refusal to proceed on the voyage (R. S. 4561, p. 79).

The act of Dec. 21, 1898 (White Act), amended the then-existing law, as follows: Section 7 provided that a survey may be called in a domestic port, on any vessel bound on any voyage, by the first and second officers, or a majority of the crew (R. S. 4556, p. 75). Section 8 provided that when, in a domestic port, complaint is made about the provisions, one of the surveyors shall be a surgeon of the Public Health Service (R. S. 4557, p. 76). Section 9 provided that any seaman who refuses to proceed on the voyage, after repairs have been made, shall forfeit the wages due him (R. S. 4558, p. 77). Section 10 provided that a survey may be called on any vessel in a foreign port, upon complaint in writing, signed by the first or second officer and a majority of the crew (R. S. 4559, p. 78). Section 11 provided that seamen discharged on account of unseaworthiness, due to neglect or design, shall receive one month's extra wages, or sufficient money for their return to the United States, or be provided with employment on a ship agreed to by them (R. S. 4561, p. 80).

The act of March 4, 1915 (sec. 5), provided that a survey may be called on any vessel in a foreign port upon complaint in writing,

signed by the first and second officers or a majority of the crew (R. S. 4559, p. 78). (See also "Seamen's Act.")

Offenses and Punishments.

The act of July 20, 1790 (sec. 5), provided that if a seaman shall absent himself without leave of the master for less than forty-eight hours he shall forfeit three days' pay for each day's absence; if absent for more than forty-eight hours he shall forfeit to the owners of the vessel all the wages due him and effects on board or ashore and be liable for damages for the expense of hiring other seamen. The same act (sec. 7) provided that a seaman who shall desert, or absent himself without leave of the master, shall be arrested and imprisoned, there to remain until the vessel shall be ready to proceed on her voyage, all expenses to be deducted from the wages of the seaman (R. S. 4598, p. 115).

The act of March 2, 1829, provided for the arrest of seamen deserting from foreign vessels in ports of the United States, upon application of the consul of any government having a treaty with the United States to that effect. Seamen citizens of the United States were exempt from this penalty, and no seaman could be detained more than two months after his arrest (R. S. 5280, p. 120).

The act of July 20, 1840 (sec. 17), provided that in case of desertion caused by unusual or cruel treatment, the seaman shall be discharged and receive three months' extra pay (R. S. 4600, p. 116).

The act of Aug. 18, 1856 (sec. 25), provided that all wages forfeited by deserting seamen, less the amount of expenses incurred by desertion, shall become the property of the United States (R. S. 4604, p. 118).

The act of June 7, 1872 (secs. 51-55), enumerated certain offenses and prescribed the penalties therefor (R. S. 4596, 4602, pp. 110, 118).

The act of Dec. 21, 1898 (sec. 19), defined the words "domestic trade," for the purposes of that section, as including trade between ports of the United States and Canada, Newfoundland, the West Indies, and Mexico, and the words "foreign trade" as including trade between the United States and foreign ports (except as above specified), and trade between Atlantic and Pacific ports of the United States. By the same act a distinction was made between the penalties imposed for certain offenses when committed in the domestic or foreign trade. (See also "White Act.")

The act of March 4, 1915 (sec. 7), abolished the distinction above noted and also abolished the penalty of imprisonment for desertion in foreign ports. The same act repealed the treaty provisions for the arrest of seamen deserting from foreign vessels in ports of the United States. (See also "Seamen's Act.")

Medicines, Lime-Juice, Slop-Chest.

The act of July 20, 1790 (sec. 8), provided that every ship, of one hundred and fifty tons or upwards navigated by ten or more persons in the whole, and bound on a voyage without the limits of the United States, shall be provided with a chest of medicines, the same to be examined every year and renewed. In default of having such medicine-chest, the master shall provide and pay for all advice, medicine, or attendance of physicians as any of the crew shall stand in need of in case of sickness.

The act of March 2, 1805, extended the provisions of the former act to all vessels of seventy-five tons or upwards, navigated with six persons or more, in the whole, and bound from the United States to any port or ports in the West Indies.

The act of June 7, 1872 (sec. 40), provided that every ship bound to a foreign port, and every vessel of seventy-five tons or upwards bound from a port on the Atlantic to a port on the Pacific, or vice versa, shall be provided with a chest of medicines.

The same act provided that every sailing ship bound across the Atlantic or Pacific ocean, or around Cape Horn, or the Cape of Good Hope, or engaged in the whale or other fisheries, or in sealing, shall also be provided with a sufficient quantity of lime or lemon-juice, and also sugar and vinegar, to be served to every seaman at stated times and in stated quantities, under penalty (sec. 41) of a fine not exceeding \$500 for failure to keep these articles on board, and a fine not exceeding \$100 for failure to serve lime-juice. (See R. S. 4569, 4570, pp. 157, 158.)

The same act (sec. 42) provided that every vessel bound on any foreign voyage shall also be provided with at least one suit of woolen clothing for each seaman, and shall also be provided with fuel and a safe and suitable room in which a fire can be kept for the use of seamen (R. S. 4572, p. 159).

The act of June 26, 1884 (sec. 11), provided that every vessel in the foreign trade should be provided with a slop-chest, which should contain, in addition to clothing, a full supply of tobacco and blankets, and that all articles should be sold at a profit not exceeding ten per centum, under penalty of not more than five hundred dollars (p. 158).

The same act exempted from these provisions vessels plying between the United States and Canada, Newfoundland, the Bermuda Islands, the Bahama Islands, the West Indies, Mexico, and Central America (p. 158).

The act of June 19, 1886 (sec. 13), amended the foregoing act

by exempting from its provisions vessels engaged in the whaling or fishing business (p. 158).

The act of Dec. 21, 1898 (sec. 15), provided that every vessel bound on any foreign voyage exceeding in length fourteen days shall also be provided with at least one suit of woolen clothing for each seaman, and every vessel in the foreign or domestic trade shall provide a safe and warm room for the use of seamen in cold weather, under penalty of not less than one hundred dollars. This section is not applicable to fishing or whaling vessels or yachts (R. S. 4572, p. 159).

Scale of Provisions.

The act of July 20, 1790 (sec. 9), provided that every ship bound across the Atlantic shall have on board at least sixty gallons of water, one hundred pounds of salted fresh meat, and one hundred pounds of wholesome ship-bread for every person on board, and in like proportion for shorter or longer voyages. In case the crew shall be put upon short allowance of water, flesh or bread, the master shall pay to each of the crew one day's wages for every day they shall be put to short allowance (R. S. 4564, p. 68).

The act of June 7, 1872 (sec. 65), provided a "Scale of Provisions," setting forth the respective articles of food and the quantities of each to be served each seaman on each day of the week (R. S. 4612, p. 72).

The same act (secs. 36, 37, 38, 39 and 42, R. S. 4565, 4566, 4567, 4568 and 4571), set forth the manner of making complaint of shortage or bad quality of food, survey of food, rate of compensation for shortage or bad quality of food, and provided that every master shall keep on board proper weights and measures, under penalty not exceeding fifty dollars (pp. 69-72).

The act of Dec. 21, 1898 (sec. 12), provided that should any master or owner of any merchant vessel neglect to provide a sufficient quantity of stores to last for a voyage of ordinary duration and in consequence the crew are compelled to accept a reduced scale, such master or owner shall be liable to the penalty named in R. S. 4568 (R. S. 4564, p. 69).

The same act (sec. 23) materially increased the number and quantity of articles of food contained in the Scale of Provisions (R. S. 4612, p. 73).

The act of March 4, 1915 (sec. 10), amended the foregoing act as follows: Increased the daily allowance of water from four quarts to five quarts, and increased the daily allowance of butter from one ounce to two ounces (p. 74). (See also "Seamen's Act.")

LICENSED OFFICERS.

(Sec also "White Act" and "Hardy Act.")

The first act on the subject of licensed officers was that of Aug. 7, 1780, providing that pilots should continue to be regulated by State laws, until further provided by Congress.

The act of Dec. 31, 1792 (sec. 1), provided that vessels of the United States shall be commanded by a citizen of the United States (R. S. 4131, p. 7).

The act of July 7, 1838, required that licensed steamboats should employ a competent number of experienced and skillful engineers.

The act of Aug. 30, 1852, provided that the Inspectors shall license and classify all engineers and pilots of steamers carrying passengers. The same act regulated the manner of examining and licensing engineers and pilots, revocation of licenses, and other details.

The act of June 8, 1864, prescribed a license fee of ten dollars, and provided that all engineers and pilots of ferry-boats, tug-boats, towing-boats, or canal boats subject to inspection shall be classified and licensed.

The act of July 13, 1866, provided that no regulations shall be adopted by any State which shall make discrimination in the rate of pilotage between vessels sailing between the ports of one State and vessels sailing between the ports of different States.

The act of July 25, 1866, provided that any engineer or pilot who shall to the hindrance of commerce, wrongfully or unreasonably refuse to serve as such shall forfeit to the party aggrieved thereby the sum of three hundred dollars and his license shall be revoked.

The act of Feb. 28, 1871 (sec. 71), repealed all the foregoing acts, except those of Dec. 31, 1792, and July 13, 1866, and re-enacted the law governing licensed officers, as follows:

Sec. 14. Inspectors shall license and classify the captains, chief mates, engineers, and pilots of all steam vessels, and no steamer carrying passengers shall depart from any port unless she shall have in her service a full complement of officers and crew sufficient at all times to manage the vessel, including the proper number of watchmen (R. S. 4438, 4463, pp. 15-27).

Secs. 15-18. Qualifications of master, chief mate, engineer, and pilot (R. S. 4439-4442, pp. 16-19).

Sec. 18 (cont'd). Master or mate acting as pilot shall not be required to hold two licenses (R. S. 4443, p. 19).

Sec. 18 (cont'd). License must be displayed (R. S. 4446, p. 20).

Sec. 19. Revocation of licenses (R. S. 4450, p. 23).

Sec. 20. Appeal from verdict of Local Inspectors (R. S. 4452, p. 23).

Sec. 21. Inspectors of one district shall not annul the doings of Inspectors of another district (R. S. 4455, p. 26).

Sec. 24. Masters, engineers, mates, and pilots shall give the Inspectors all the information in their power in regard to the vessel and her machinery (R. S. 4406, p. 11).

Sec. 25. The Supervising Inspector shall report to the Local Board the failure of any master, mate, engineer, pilot, or owner to perform his duty, and if need be cause the offending party to be prosecuted. He shall also report the failure of the Local Board to do its duty, to the Secretary of the Treasury, who if he deems the cause sufficient, shall remove the delinquent (R. S. 4407, p. 11).

Sec. 29. Penalty for failure to observe the Rules of the Road (R. S. 4413, p. 11).

Sec. 51. Coastwise and Lake vessels subject to Navigation Laws (R. S. 4401, p. 10). No State or municipal license required by pilots (R. S. 4444, p. 19).

Sec. 54. Licensed officers shall assist Inspectors (R. S. 4448, p. 21).

Sec. 55. Penalty for refusal to serve (R. S. 4449, p. 21).

Sec. 56. Penalty for perjury (R. S. 4445, p. 20).

Sec. 56 (cont'd). Renewal of license (R. S. 4447, p. 21).

Sec. 57. Penalty for misconduct (R. S. 5344, p. 30).

Sec. 58. Ferry-boats, canal-boats, yachts, or other small craft of like character, propelled by steam, shall not be navigated without a licensed engineer and a licensed pilot (R. S. 4426, p. 12).

Sec. 59. Officers of tug-boats, towing-boats, and freight boats shall be licensed and subject to the same law as officers navigating passenger steamers (R. S. 4427, p. 15).

Sec. 60. Every captain, chief engineer and first-class pilot shall pay a license fee of ten dollars; every chief mate, engineer, and pilot of an inferior grade shall pay a license fee of five dollars (R. S. 4458, p. 26).

Sec. 61. Penalty for violation of law, five hundred dollars, one-half for the use of the informer.

The act of April 17, 1874, provided that any alien who has declared his intention of becoming a citizen of the United States, and who shall have been a resident of the United States for at least six months, may be licensed to serve as engineer or pilot of any vessel (p. 170).

The act of Feb. 27, 1877, provided that any vessel any officer of

which shall not be a citizen of the United States shall pay a tax of fifty cents per ton (R. S. 4219, p. 10).

The act of April 5, 1882, amended R. S. 4458 to the effect that each master, engineer, pilot, and mate shall pay a license fee of fifty cents (R. S. 4458, p. 26).

The act of June 26, 1884 (sec. 1), amended R. S. 4131 to the effect that a vacancy occurring among the officers of a vessel in the foreign trade may be supplied by a person not a citizen of the United States until the first return of the vessel to its home port (R. S. 4131, p. 7).

The act of June 19, 1886 (sec. 1), abolished the payment of fees for licensing officers (p. 41).

The act of Dec. 22, 1890, amended R. S. 4426 to the effect that in open steam launches of ten tons and under one person may serve in the double capacity of pilot and engineer (R. S. 4426, p. 12).

The act of March 3, 1891 (sec. 7), provided that officers of the United States Navy may volunteer for service on mail vessels (p. 31).

The act of May 28, 1896 (secs. 1, 2, 3), amended R. S. 4131, as follows: All officers who shall have charge of a watch, including pilots, shall be citizens of the United States. The word "officers" shall include the chief engineer and each assistant engineer in charge of a watch, and no person shall be qualified to hold a license as commander or watch officer who is not a native-born citizen, or whose naturalization as a citizen shall not have been fully completed. All licenses shall be for a term of five years. Any officer absent from the United States may make application in writing for one renewal of license and the board that originally issued such license shall renew the same for one additional term (R. S. 4131, p. 8).

The same act (secs. 2, 3) provided that in proceedings for the revocation of license the accused shall be allowed to appear by counsel and to testify in his own behalf (See R. S. 4450); that no master, mate, pilot, or engineer shall be liable to draft in time of war, except for the performance of duties such as required by his license; that while performing such duties the officer shall be entitled to the highest rate of wages paid in the merchant marine for similar services, and that if killed or wounded he or his heirs shall be entitled to all the privileges accorded to soldiers and sailors in the Army and Navy under the pension laws (R. S. 4452, p. 8).

The act of Jan. 18, 1897, provided that all vessels above fifteen tons, carrying passengers for hire, propelled by gas, fluid, naphtha,

or electric motors, shall be subject to the provisions of R. S. 4426, and all vessels so propelled, without regard to tonnage or use, shall be subject to the provisions of R. S. 4412, and to so much of R. S. 4233 and 4234 as the Board of Supervising Inspectors shall deem applicable (p. 12).

The act of Dec. 21, 1898 (sec. 1), provided that the Board of Local Inspectors shall license and classify the masters, chief mates, and second and third mates, if in charge of a watch, engineers, and pilots of all steam vessels, and the masters and chief mates of sail vessels of over seven hundred tons and all other vessels and barges of over one hundred tons carrying passengers for hire (R. S. 4438, p. 15).

The same act (sec. 2) amended R. S. 4439 by adding a provision for licensing masters of sail vessels of over seven hundred tons, and increasing the term of all masters' licenses from one year to five years (R. S. 4439, p. 17).

The same act (sec. 3) amended R. S. 4440 by adding a provision for licensing chief mates of sail vessels of over seven hundred tons and second and third mates of steam vessels, if in charge of a watch, and mates of river steamers, and increasing the term of all such licenses from one year to five years (R. S. 4440, p. 17).

The act of March 23, 1900, amended R. S. 4445 by adding a provision for making oath to the application for a license, under penalty of punishment for perjury, and declaring that any master or other holder of a license who shall change the same shall be punished by a fine of not more than five hundred dollars or by imprisonment at hard labor for three years (R. S. 4445, p. 20).

The act of March 3, 1905 (sec. 5), amended R. S. 4449 by providing that licenses, instead of being revocable for refusal to serve, shall be revoked or suspended (R. S. 4449, p. 22).

The same act (sec. 6) amended R. S. 4452 by adding a provision that in case of revocation or suspension of license for more than six months the officer whose license is in question may appeal within thirty days to the Supervising Inspector-General, who may revoke, change, or modify the previous decision (R. S. 4452, p. 24).

The act of May 16, 1906, amended R. S. 4426 by making numerous changes in the law governing the navigation of motor boats and other like craft, and the requirements as to licensed officers on such craft (R. S. 4426, p. 13).

The act of Jan. 25, 1907, amended R. S. 4438 by striking out the requirement of license for chief mate of sail vessels (R. S. 4438, p. 15).

The act of Feb. 19, 1907, amended R. S. 4446 by providing that

licenses must be displayed on board the vessel within forty-eight hours after going on duty, and that an officer may be transferred to another vessel of the same owners for a period not exceeding forty-eight hours without the transfer of license to such other vessel (R. S. 4446, p. 21).

The act of April 2, 1908, amended R. S. 4463 by providing that any vessel shall not be navigated unless she shall have in her service and on board such complement of licensed officers and crew as may, in the judgment of the Local Inspectors who inspect the vessel, be necessary for her safe navigation. Any vessel deprived of the services of any member of the crew without the consent, fault, or collusion of the master, owner, or other person interested in the vessel, may proceed on her voyage if in the judgment of the master she is sufficiently manned for such voyage. Failure on the part of the master to report in writing such deficiency within twelve hours after arrival of the vessel at her destination is punishable by a fine of fifty dollars. If the vessel shall have been insufficiently manned the master shall be liable to a penalty of one hundred dollars, or in the case of an insufficient number of licensed officers to a penalty of five hundred dollars (R. S. 4463, p. 27).

The act of May 28, 1908 (sec. 2), amended R. S. 4438 by striking out the requirement of license for engineers if in charge of a watch, thus making the requirement of license obligatory upon all engineers (R. S. 4438, p. 16).

The act of June 9, 1910 (sec. 5), provided that all motor boats carrying passengers for hire shall be operated by a person duly licensed for such service by the Local Inspectors. No examination shall be required as a condition of obtaining such license. Motor boats shall not be required to carry licensed officers, except as required by this act (p. 14).

The act of March 3, 1913, amended R. S. 4463 by providing a manning scale for licensed officers (p. 28). (See also "Hardy Act.")

The act of Aug. 18, 1914, provided that the President of the United States may suspend the requirements of law as to citizenship of watch-officers of vessels of the United States in the foreign trade (p. 31).

The act of Oct. 22, 1914, amended R. S. 4131 by providing certain conditions for the renewal of licenses, especially in the case of applications by officers absent from the United States. It also provided that no license shall be renewed without furnishing a satis-

factory certificate of examination as to color blindness (R. S. 4131, p. 9).

The same act made certain clerical additions to the language of R. S. 4450 and 4452.

The act of March 3, 1915 (sec. 1), amended R. S. 4448 by providing that no Inspector or Supervising Inspector receiving information from a licensed officer as to defects in a vessel shall impart the name of such licensed officer to any person other than his superiors in the Steamboat Inspection Service, under penalty of dismissal from the Service (R. S. 4448, p. 22).

The same act (sec. 1) amended R. S. 4449 by providing that licenses may be revoked or suspended in case of refusal to perform official duty after having signed Articles or while employed on any vessel (R. S. 4449, p. 23).

The act of March 4, 1915 (sec. 14), amended R. S. 4463 by providing that the certificate of inspection shall include the number of certificated lifeboatmen, separately stated, as may in the judgment of the Local Inspectors who inspect the vessel be necessary for her safe navigation (p. 28). (See also "Seamen's Act.")

The act of June 10, 1918, repealed R. S. 4452 and enacted new regulations governing the suspension or revocation of licenses. Under the provisions of this act, in addition to the right of appeal within thirty days, any Supervising Inspector and the Supervising Inspector-General may upon his own motion review any action of any Board of Local Inspectors (R. S. 4452, p. 25).

THE SHIPPING COMMISSIONER'S ACT.

The act of June 7, 1872, commonly called the Shipping Commissioner's Act, comprised sixty-eight sections, embodying much of the previously existing law relating to seamen and many additional provisions for the regulation of the relations between seamen, shipmasters, and shipowners.

The Shipping Commissioner's Act established the office of Shipping Commissioner, whose chief duty it should be to supervise all shipping agreements in the trade between ports in the United States and foreign ports, and between ports of the United States on the Atlantic and Pacific coasts, or vice versa (R. S. 4501-4508, pp. 35-39).

By the act of January 15, 1873, the Shipping Commissioner's Act was amended to the effect that vessels in the trade between the United States and Canada, the West Indies, and Mexico should be exempt from the requirement that shipping agreements shall be entered into in the presence of a Shipping Commissioner (p. 43).

On June 9, 1874, the Shipping Commissioner's Act was again

amended to the effect that none of the provisions of that measure should apply to vessels in the coastwise trade, or in the Lake-going trade, or in trade between the United States and Canada (p. 43).

As a result of the latter amendment a question arose concerning the legal status of the seamen employed in the coastwise trade. The Shipping Commissioner's Act embraced practically the entire law governing the personal relations between seamen and their employers. Consequently the amendment of 1874, which declared that none of the provisions of that act should apply to seamen employed in the coastwise trade appeared to place the latter entirely outside the law.

Some authorities have contended that as regards those features of the Shipping Commissioner's Act which were in effect re-enactments of previously-existing law, the amendment of 1874 was without force. In other words, it was contended that the amendment referred only to those features of the act of 1872 which were first enacted by that measure. Another body of opinion held to the literal construction of the amendment of 1874, and insisted that the latter meant exactly what its terms implied, namely, that none of the provisions of the Shipping Commissioner's Act, irrespective of the date of their origin, should apply to seamen in the coastwise trade.

This difference of opinion has never been definitely resolved by final authority. It would appear, however, from a study of the decisions of the higher courts, including the United States Supreme Court, that the tendency to literal construction predominates. The situation thus created has been almost entirely corrected in the course of subsequent legislation, so that to-day all seamen in the coastwise trade are governed by the same law, whether engaged in the presence of a Shipping Commissioner or directly by the shipmaster.

By the act of June 19, 1886 (sec. 2), it was provided that seamen employed in the coastwise trade might be engaged in the presence of a Shipping Commissioner, at the request of the master or owner of the vessel, the fees in such case to be one-half the amount prescribed in the case of seamen engaged in the foreign trade (p. 44). The same act (sec. 1) abolished the payment of all fees for the shipment and discharge of seamen (p. 41). A later amendment (August 19, 1890, p. 55) provided that when seamen employed in the coastwise trade were engaged in the presence of a Shipping Commissioner, an agreement should be made in the form prescribed by certain sections of the Revised Statutes and that certain other sections should extend to and embrace such seamen. (See also "Maguire Act," and "White Act.")

THE DINGLEY ACT.

The act of June 26, 1884 (sec. 10), commonly called the Dingley Act, prohibited the payment of advance wages (theretofore permitted under section 17 of the Shipping Commissioner's Act (R. S. 4532, p. 58), and provided that allotment should be payable only to the seaman's wife, mother, or other relative.

This enactment was designed to correct the generally recognized evil created by the advance system, under which seamen were practically compelled to sign away a large part of their future earnings as a condition of securing employment. Following the abolition of advance and the limitation of allotment to the seaman's relatives the former beneficiaries of the advance system used their power over the seamen to obstruct the shipment of crews; with the result that shipping in many ports was seriously hindered.

The act of June 19, 1886 (sec. 3), amended the Dingley Act by providing for the payment of allotment to an "original creditor," not exceeding ten dollars per month. The practical effect of this change was to re-establish the advance system in modified form. The allotment, although payable only for "any just debt for board or clothing," was usually paid by the seaman without reference to the amount of his just debts and practically as an arbitrary charge levied upon him by the person who controlled his only opportunity of securing employment. Again, while the allotment was by law payable only after it had been earned, in practice it was paid "on the capstan head," i. e., immediately the seaman was delivered by his "creditor" on board the vessel. The provisions of this law were made applicable to foreign vessels in ports of the United States. (See also "White Act.")

Other features of the Dingley Act are as follows:

Sec. 2. Abolished the payment of three months' extra wages upon discharge in a foreign port upon expiration of the agreement (R. S. 4580, p. 96).

Sec. 3. Reduced the amount of extra wages payable upon discharge in a foreign port on account of violation of agreement or injury of the seaman from three months' to one month's wages (R. S. 4583, p. 99).

Sec. 4. Reduced the amount of extra wages payable upon discharge on account of unseaworthiness from three months' to one month's wages, and abolished the payment of one month's extra wages upon refusal of the seamen to continue the voyage (R. S. 4561, p. 79).

Sec. 5. Reduced the amount of extra wages payable upon dis-

charge in a foreign port on account of the sale of the vessel from three months' to one month's wages (R. S. 4582, p. 98).

Sec. 6. Reduced the amount of extra wages payable on account of discharge following desertion on account of illtreatment from three months' to one month's wages (R. S. 4600, p. 116).

Sec. 7. Provided that the expense of maintenance and return of seamen to the United States should be paid out of the wages of the seamen (R. S. 4581, p. 96).

Sec. 9. Increased the amount of compensation to shipowners for transportation of destitute seamen (R. S. 4578, p. 101).

Sec. 11. Provided that vessels in certain trades should carry a slop-chest (p. 158).

Sec. 15. Abolished payment by seamen of Hospital Tax and provided that the expense of maintaining the Marine Hospitals should be borne by the duties on tonnage (p. 154). The latter provision was repealed by the act of March 3, 1905, since which date the Marine Hospitals have been supported by annual appropriations by Congress.

Sec. 18. Limited the individual liability of a shipowner in proportion to his share of the vessel, and the aggregate liabilities of all shipowners to the value of the vessel and freight pending (p. 150).

Sec. 19. Provided that seamen employed on vessels making regular and stated trips in the foreign trade may be engaged for one or more round trips, or for a definite time (p. 46).

Sec. 20. Provided that seamen may be engaged at a foreign port for a round trip, and such seamen shall not be required to re-ship in a port of the United States (p. 46).

THE MAGUIRE ACT.

The act of Feb. 18, 1895, commonly called the Maguire Act, amended the act of Aug. 19, 1890, by changing the sections of the Revised Statutes which shall apply to seamen in the coastwise trade when engaged in the presence of a Shipping Commissioner. These changes were intended to relieve the seamen from certain of the more drastic disciplinary measures, while extending to them other features of a protective nature, as follows:

ACT, AUGUST 19, 1890.

ACT, FEBRUARY 18, 1895.

Rev. Stat.	Page	Rev. Stat.	Page
4511 Shipping Articles	42	4511 (Excepting pars. 6, 7, 8...	42
4512 " "	44	4512	44
4522 " "	48	4519 Forecastle Card	47
4524 Payment of wages	81	.....	.....
4525 " "	81	.....	.....
4526 " "	81	4526 Payment of wages	81
4527 " "	82	4527 " "	82
4528 " "	82	4528 " "	82
.....	.....	4529 " "	82
.....	.....	4530 " "	84
.....	.....	4535 Lien and salvage	152
.....	.....	4536 Attachment of wages	85
.....	.....	4542 Deceased seamen	105
.....	.....	4543 " "	106
.....	.....	4544 " "	106
.....	.....	4545 " "	107
.....	.....	4546 Payment of wages	86
.....	.....	4547 " "	86
.....	.....	4549 " "	88
.....	.....	4550 " "	88
.....	.....	4551 " "	89
.....	.....	4552 " "	89
.....	.....	4553 " "	90
4554 Shipping Commissioner		4554	39
as arbiter	39	.....	.....
4596 Offenses and punishments	110	.....	.....
4597 " "	114	.....	.....
4598 " "	115	.....	.....
4599 " "	115	.....	.....
4601 Harboring deserters	147	.....	.....
4602 Offenses and punishments	118	.....	.....
4603 Enforcement of forfeitures	91	.....	.....
4604 Offenses and punishments	118	.....	.....
4605 Costs of conviction	91	.....	.....
4610 Offenses and punishments	119	.....	.....
4612 Shipping Articles	52	.....	.....

Considering these and the subsequent enactments bearing upon the applicability of the law to seamen in the respective trades (foreign, coastwise, etc.), the rule seems to be that those provisions of the Shipping Commissioner's Act which since the passage of the latter measure have been specifically made applicable to seamen in the coastwise trade, in addition to those enactments made applicable to all vessels, constitute the law in the case of such seamen when engaged in the presence of a Shipping Commissioner. Seamen employed in the coastwise trade, but not engaged in the presence of a Shipping Commissioner, are governed by the law generally applicable to all seamen.

The Maguire Act, by excluding Sections 4596, 4597, 4598 and 4599 of the Revised Statutes and the sixth, seventh, and eighth items of R. S. 4511 from application to the shipping agreements of seamen in the coastwise trade, exempted such seamen from the

law as to the Scale of Provisions, punishments for offenses, and payment of allotment either to relatives or to an "original creditor." In general, the effect of these exemptions was to abolish imprisonment for desertion in the coastwise trade and to end the so-called crimping system in that trade. A further provision exempted seamen's clothing from attachment, thus completing a reform in the primary conditions of the law by granting seamen in the coastwise trade freedom from the control of their persons and earnings either by their employers or by their "creditors."

THE WHITE ACT.

The act of Dec. 21, 1898, commonly called the White Act, amended the act of Feb. 18, 1895 (Maguire Act), in respect to the penalty for desertion by extending immunity from imprisonment for desertion in ports of the United States, irrespective of the nature of the voyage (coastwise or foreign) upon which the seaman was engaged at the time of desertion.

By the passage of the Maguire Act it was believed that the seaman had been freed from the punishment of imprisonment for desertion in any port of the United States. However, the United States Supreme Court, in the so-called "Arago" case (see "The Earlier Sea Laws," p. xx Introduction), decided that seamen engaged on a foreign voyage were still subject to the penalty of imprisonment for desertion in a coastwise port of call during such voyage. The White Act (sec. 19) specifically limited the penalty for desertion in a port of the United States, or in a foreign port in the domestic trade (Canada, Newfoundland, the West Indies and Mexico), to forfeiture of clothing and wages. It also reduced the term of imprisonment for desertion in a foreign port in the foreign trade from three months to not more than one month, at the discretion of the court, and in other respects lightened the penalties imposed upon seamen in the merchant service (R. S. 4596, p. 111).

The same measure made improvements in the Scale of Provisions, broadened the facilities for demanding the survey of a vessel, provided that no form of corporal punishment should be deemed justifiable, and placed upon the master responsibility for the surrender of a ship's officer charged with illtreatment of a seaman.

THE HARDY ACT.

(See also "Licensed Officers.")

The act of March 3, 1913, commonly called the Hardy Act, defined the minimum number of licensed deck officers to be carried by vessels propelled by machinery, estimated on the basis of tonnage and length of voyage; regulated the number of officers' watches at sea and limited the length of their workday to nine hours in port and twelve hours at sea.

The responsibility for determining the number of deck officers to be carried by vessels had previously rested entirely with the Local Inspectors of Steam Vessels. The Hardy Act established the minimum manning scale, but left the Local Inspectors free to increase the number of officers required if deemed necessary for safe navigation (p. 28).

THE SEAMEN'S ACT.

The act of March 4, 1915, commonly called the Seamen's Act, contained twenty sections, as follows:

Sec. 1. Providing that vacancies caused by desertion shall be filled by seamen of the same or higher grade or rating (R. S. 4516, p. 33).

Sec. 2. Establishing watch-and-watch at sea, limiting the workday in port to nine hours, and designating certain holidays which shall be observed in port (p. 168).

Sec. 3. Increasing the penalty for delay in payment of wages from one day's to two days' wages (R. S. 4529, p. 83).

Sec. 4. Providing for the payment of one-half of the wages which he shall have then earned to every seaman at every port of lading and discharge during the voyage. This was merely a reenactment of the provision originally enacted July 20, 1790, with the exception that the words "unless the contrary be expressly stipulated in the contract" were substituted by the following: "And all stipulations in the contract to the contrary shall be void" (R. S. 4530, p. 85).

The same section provided that any court may set aside any release signed by a seaman and take such action as justice shall require. The section was made applicable to seamen on foreign vessels in ports of the United States, and the courts of the United States shall be open to such seamen for its enforcement.

Sec. 5. Increasing the facilities for demanding a survey on a vessel in a foreign port (R. S. 4559, p. 78).

Sec. 6. Increasing the size of forecastles and providing for mess-rooms, hospitals, wash-rooms, etc. (p. 67).

Sec. 7. Abolishing the penalty of imprisonment for desertion in foreign ports, and limiting the penalty for willful disobedience to any lawful command at sea to forfeiture of not more than four days' pay or imprisonment for not more than one month, and for continued willful disobedience to forfeiture for each twenty-four hours' disobedience of a sum of not more than twelve days' pay or imprisonment for not more than three months (R. S. 4596, p. 113).

Sec. 8. Abolishing the power of consuls to arrest seamen for desertion in foreign ports (R. S. 4600, p. 117).

Sec. 9. Rendering the owner of a vessel liable in damages to any seaman illegally punished by a ship's officer (R. S. 4611, p. 150).

Sec. 10. Improving the Scale of Provisions (p. 74).

Sec. 11. Abolishing allotment to original creditor, and extending to seamen employed in the coastwise trade the right to make allotment to certain relatives (p. 63).

Sec. 12. Extending exemption from attachment of seamen's wages to fishermen, and permitting attachment of the wages of seamen and fishermen for the support of wife and minor children (p. 85).

Sec. 13. Establishing certain qualifications as to age, experience, etc., of able-seamen (p. 33).

Sec. 14. Fixing the number and character of lifeboats and other life-saving appliances to be carried by vessels, and fixing the manning scale of passenger vessels based upon the number of lifeboats carried. (Omitted from this work.)

Sec. 15. Providing for reporting accidents to tow-barges (p. 144).

Sec. 16. Terminating treaties providing for the arrest in ports of the United States of seamen deserting from foreign vessels (p. 163).

Sec. 17. Repealing R. S. 5280 and certain parts of R. S. 4081 (p. 109).

Sec. 18. Date of taking effect (p. 163).

Sec. 19. Providing that any seaman incapacitated by injury or illness may be sent to a consul for the purpose of being discharged, without the presence of the master at the time of discharge (p. 97).

Sec. 20. Providing that in suits for damages for injuries seamen having command shall not be deemed to be fellow-servants with those under their authority (p. 162).

The Seamen's Act followed the general lines of legislation initiated by the Maguire Act, passed in 1895. The latter measure expressed the sense of Congress and the public in respect to the

laws applicable to seamen prior to that time. The abolition of imprisonment for desertion in the coastwise trade marked the first step in the direction of personal liberty. The abolition of allotment to original creditor and the imposition of a penalty for withholding a seaman's clothing were corollaries of the former measure.

The White Act of 1898 continued the work of legislation begun three years earlier. The Seamen's Act of 1915 completed the work of freeing the seaman from those conditions which were the inevitable effect of the repressive influences of the earlier laws and which in modern thought constituted an anachronism, unjust to the seamen and harmful to the service in which they are engaged.

INDEX

Subject.	Page
A bandonment of seamen.....	125
Able-seamen, proportion of required in crews; qualifications of, etc...	33
Certificate of service as.....	34
Abrogation of treaties	163
Accidents to tow-barges.....	144
Account of wages (See "Discharge and Payment of Wages").	
ADVANCE AND ALLOTMENT—	
Allotment of wages.....	58
Advances	58
Recovery in case of unlawful advance.....	58
Discount of advance security.....	59
Advance abolished	59
Allotment to original creditor.....	60
Advance and allotment.....	61
Applicable to foreign vessels.....	64
Alien may be licensed as engineer or pilot.....	170
Apprentices or cadets on vessels in mail service.....	31
Indenture to be produced to Commissioner.....	144
Conditions of apprenticeship.....	144
Arbitration by Shipping Commissioner.....	37
Attachment of clothing prohibited.....	57
Attachment of wages prohibited.....	85
Exception in favor of wife or minor child.....	85
B oarding vessel before arrival; penalty for.....	147
Bond for return of seamen.....	51
C adets or apprentices on vessels in the mail service.....	31
Canal-boats, persons employed on not entitled to benefit of marine hospital	155
Not subject to libel for wages.....	170
Canal Zone in foreign-going trade.....	57
Casualty, seamen lost by may be replaced.....	28-32
Certificate of citizenship.....	6
of service as able-seaman, etc.....	34
of discharge, form of.....	54
of discharge to be given by master.....	89
of character to be given by Commissioner.....	90
Charterer, liability of.....	151
Citizenship, rights of after declaration of intention.....	6
of officers	7
of crews on vessels in mail service.....	31
suspension of requirement of.....	31
Clothing, attachment of prohibited.....	57
and fuel. (See "Medicine," etc.)	
Sale of deceased seamen's.....	102
Coastwise and Lake vessels subject to Navigation Laws.....	11
COASTWISE TRADE—	
Shipping articles in.....	47
Sections governing shipment and discharge in.....	55
Definition of	111

Subject.	Page
COLLECTOR OF CUSTOMS—	
Shall deliver certificate of citizenship.....	6
Shall send list of certificates of citizenship to Secretary of State....	7
Shall cause muster of crew.....	34
May act as Shipping Commissioner.....	37
Shall not charge fees.....	41
Shall make report of services.....	41
Crew list shall be delivered to.....	49
Shall keep record of crew lists.....	50
Shall deliver copy of shipping articles to owner.....	50
Rules as to list of crew.....	50
Shall transmit copy of crew list to collector at port of sailing.....	52
Shall refuse clearance until law has been complied with.....	64
May hear complaint of food.....	69
Shall transmit masters' report of consular services.....	95
Shall not grant clearance without certificate of delivery of deceased seaman's effects	104
Shall transmit reports of accidents to tow-barges.....	144
Shall receive amount due for care of sick seamen from foreign vessels	155
Shall enforce wireless act.....	166
May issue temporary permit to wireless operator.....	168
Color blindness, examination as to.....	10
CONSULS, DUTIES OF—	
Shipping seamen in foreign ports.....	46
Appointment of inspectors by.....	77
Naval officer may exercise powers of.....	92
Protests	92
Lists and returns of seamen, vessels, etc.....	92
Fees allowed for official services.....	93
No profit from discharged seamen.....	94
Copies of receipts of consular fees, etc.....	94
Duties of consular officers in regard to deceased seaman's effects..	105
Powers of foreign consuls over disputes between seamen.....	108
Arrest of seamen on application of consul.....	108
Commitment and discharge	119
Reclamation and discharge of deserters.....	116
(See also "Shipping Articles," "Discharge in Foreign Port," "Distressed Seamen," "Deceased Seamen," "Offenses and Punishments," etc.)	
CRIMES—	
Offenses on the high seas, where triable.....	121
When summary trials may be had.....	121
Complaint and answer	121
Amendments and adjournments.....	122
Challenges to jurors.....	122
Limit of sentences	122
Recovery of penalties and forfeitures under Navigation Laws.....	123
Jurisdiction extended over Great Lakes, etc.....	123
Places and waters applicable.....	123
"Vessel of the United States" defined.....	124
Offense begun in one district and completed in another.....	124
Forcible abandonment of seamen.....	125
Arson of dwelling house within a fort.....	125
Arson of armory, arsenal, etc.....	126
Owner destroying vessel at sea.....	127
Other person destroying vessel, at sea	128
Attempt to destroy vessel at sea.....	128
Maiming, etc.	128
Murder, manslaughter, rape, etc.....	129

. Subject.	Page
"Murder" defined	130
Manslaughter	130
"Manslaughter" defined	130
Attempt to commit murder or manslaughter	130
Punishment of manslaughter	131
Rape	131
Assault with a dangerous weapon.....	132
Inciting revolt or mutiny on shipboard.....	132
Piracy under the law of nations.....	134
Seaman laying violent hands on his commander.....	134
Robbery upon the high seas.....	135
Robbery on shore by crew of piratical vessel.	135
Piracy under color of a commission from a foreign power.....	135
Piracy by subjects or citizens of a foreign state.....	136
Confederating, etc., with pirates.....	136
Attacking vessel with intent to plunder.	137
Breaking and entering vessel.....	138
Running away with or yielding up vessel or cargo.....	138
Seduction of female passengers on vessels.....	139
Payment of fine to female seduced.....	139
Evidence required (seduction); limitation of indictment.....	140
Carnal and unlawful knowledge of females under sixteen to be felony	140
(See also "Offenses and Punishments.")	
Crew list to be delivered to Collector of Customs.....	49
D amages for injuries, suits to recover.....	162
DECEASED SEAMEN—	
Effects of deceased seamen.....	102
Proceedings in regard to effects of deceased seamen.....	103
Penalty for neglect in regard to seamen's effects.....	104
Duties of consular officers in regard to deceased seamen's effects..	105
Payment of wages in case of death within the United States.....	105
Payment to circuit court.....	106
Distribution of seamen's money and effects by circuit court.....	106
Unclaimed wages and effects of deceased seamen.....	107
(See also "Duties of Consuls.")	
DEFINITIONS—	
"Officers"	8
"Master"	52
"Seaman"	52-156
"Vessel"	7, 52, 124
"Owner"	52
"Domestic trade"	111
"Vessel of the United States".....	124
"Murder"	130
"Manslaughter"	130
Desertion, penalty for.....	49
(See also "Offenses and Punishments," and "Consuls, Duties of").	
Deserting seaman may be replaced.....	28-32
Wages and effects of.....	118
Discharge. (See "Certificate of Discharge.")	
DISCHARGE AND PAYMENT OF WAGES—	
Commencement of wages.....	81
Wages not dependent on freight.....	81
Termination of wages by loss of vessel.....	81
Wages in case of improper discharge.....	82
Suspension of wages	82
Time for payment.....	82

Subject.	Page
Payment of wages at ports, etc.....	84
On account of master's failure to comply with law.....	169
Applicable to seamen on foreign vessels.....	85
No attachment or assignment of wages.....	85
Limit of sum recoverable during voyage.....	86
Summons for non-payment of wages.....	86
Libel for wages	86
Canal boat not subject to libel.....	170
Mode of discharge	88
Account on discharge.....	88
Certificate of discharge.....	89
Rules for settlement (Mutual Release)	89
Certificate of character.....	90
Examination of witnesses.....	90
Enforcement of forfeitures.....	91
Appropriation of wages to costs of conviction.....	91
Suits by seamen.....	91
(See also "Consuls, Duties of," and "Discharge in Foreign Port.")	
Dingley Act. (See Table 11. Act, June 26, 1884.)	
DISCHARGE IN FOREIGN PORT—	
Wages payable in gold	95
Extra wages on discharge.....	95
Penalty for neglect to collect extra wages.....	96
Discharge in case of illness.....	97
Extra wages on discharge in case of sale.....	98
When extra wages may be remitted.....	99
Disposal of extra wages.....	100
(See also "Consuls, Duties of," "Distressed Seamen," etc.)	
DISTRESSED SEAMEN—	
Return of seamen.....	100
Penalty for refusal to receive seamen.....	101
Additional allowance for transportation of destitute seamen.....	102
(See also "Consuls, Duties of," "Discharge in Foreign Port," etc.)	
Disratemement and reduction of wages for incompetency.....	53
"Domestic trade," definition of.....	111
Drunkenness or neglect of duty, penalty for.....	118
E ngineer included in word "officers".....	8
Alien may be licensed as.....	170
Exemption from militia duty.....	159
F ees, shipping, penalty for extorting.....	59
Fellow-servants, officers not.....	162
Ferry-boats, canal-boats, yachts, etc.....	12
FISHERMEN'S AGREEMENT—	
Agreement for fishing voyage.....	145
Penalty for violating agreement.....	145
Recovery of share of fish under agreement.....	146
Discharge of vessel upon bond by owner.....	147
Fishermen's wages, no attachment of.....	85
Exception in favor of wife or minor child.....	85
Flogging abolished	149
(See also "Illtreatment of Seamen.")	
Food (See "Scale of Provisions.")	
Forecastle Card, posting of.....	47

Subject.	Page
Forecastle space	64
Fumigation of	68
Foreign trade, shipment and discharge in.....	46
Seamen may be admitted to marine hospital.....	155
Vessels, laws applicable to.....	64, 85, 148
Disputes on	108
Must be equipped with wireless apparatus.....	166
Forfeitures, enforcement of.....	91
Forfeitures, disposal of.....	118
Forfeitures, recovery of under Navigation Laws.....	123

Hardy Act. (See Table II. Act, March 3, 1913.)

Holidays in port	166
I llness or injury, discharge on account of.....	97
Wages during period of (See Introduction.)	

ILLTREATMENT OF SEAMEN—

Maltreatment of crew by officers of vessels.....	148
Flogging abolished.....	149
Incompetency, disratment and reduction of wages for.....	53
Injuries, suits to recover damages for.....	162
Inspectors, supervising, duties of.....	11

L ake and coastwise vessels subject to Navigation Laws.....	11
Language test of seamen.....	33
Liability of charterer	151

LIABILITY OF OWNER—

Liability of owner not to exceed his interest.....	150
Exception in case of seamen's wages.....	151
Law extended to canal-boats, etc.....	151

LICENSED OFFICERS—

Vessels shall be commanded by citizen.....	7
Officers shall in all cases be citizens.....	7
Exception	7
Renewal of licenses.....	8
Suspension or revocation of licenses.....	8
Not liable to draft.....	9
Service in navy.....	9
Color blindness, examination as to.....	10
Officers shall answer inquiries and give information.....	11
Failure to perform duty.....	11
Engineers and pilots on ferry-boats, etc.....	12
Licenses of officers.....	15-19
Oath of	20
License to be exhibited.....	20
Renewal of license.....	21
Officers to assist inspectors.....	21
Investigation of conduct.....	23
Appeal to supervising inspector.....	23
Effect of decision by inspectors.....	26
License fees	26
Complement of officers and crew on passenger steamers.....	27
Minimum number of officers required.....	29
Time off duty in port.....	29
Time on duty in port.....	29
Time on duty at sea.....	30

Subject.	Page
Misconduct, loss of life, manslaughter.....	30
Suspension of requirement of citizenship.....	31
Liable in damages for illtreatment of seaman.....	150
Officers not fellow-servants.....	162
(See also "Manning Scale" and "Naturalization of Seamen.")	
Lien and salvage. (See "Salvage.")	
Lifeboatman, certificated	28
Life-saving crews entitled to benefit of marine hospital.....	156
Lime-juice. (See "Medicines," etc.)	
LOG-BOOK, OFFICIAL—	
Entry of failure to join vessel.....	49
Entry of report in respect of food.....	69
To be produced in court.....	87
To be produced at time of discharge.....	88
Entry of deductions.....	88
Production of in disputes.....	90
Entry of sale of deceased seamen's effects.....	102
Entry of offenses.....	114
Entry of cruel treatment.....	117
Entries, miscellaneous	160
Entry of collision.....	161
Mode of making entries.....	162
Penalty for omitting entries.....	162
Entry as to substitute for wireless operator.....	167
Maguire Act. (See Table II. Act, February 18, 1895.)	
Mail service, vessels employed in shall carry proportion of citizens..	31
MANNING SCALE—	
Manning of passenger steamers.....	27
Lost seamen may be replaced.....	28-32
Qualifications of seamen.....	33
Physical examination of seamen.....	34
Watchmen on passenger steamers.....	32
(See also "Licensed Officers.")	
"Manslaughter," definition of.....	130
MARINE HOSPITALS—	
Assessment of forty cents per month.....	153
Hospital dues abolished.....	154
Repeal of appropriation from tonnage tax.....	154
Power to receive gifts in aid of marine hospitals.....	155
Persons employed on canal-boats in coasting trade excluded from benefits of marine hospital.....	155
Foreign seamen admitted.....	155
Term "seaman" defined.....	156
Master included in term "seaman".....	156
Insane patients admitted.....	156
Life-saving crews admitted.....	156
MASTER—	
Of sail vessel, license of.....	15-17
Master or mate acting as pilot.....	19
"Master," definition of.....	52
May act as Shipping Commissioner in certain circumstances.....	37-89
Confining, penalty for.....	137
Shall surrender officer charged with illtreatment.....	150
Shall render assistance to persons in danger at sea.....	152
Entitled to benefit of marine hospital.....	156

Subject.	Page
Removal of	157
Liable to penalty for failure to serve lime-juice.....	158
Mate of sail vessel, license of.....	15-17
Measures, weights and.....	72

MEDICINES, LIME-JUICE, SLOP-CHEST, ETC.—

Medicines and lime-juice.....	157
Vessels named in R. S. 4569 shall carry slop-chest.....	158
Whaling and fishing vessels excepted.....	158
Penalty for failure to keep medicines.....	158
Warm room in all trades.....	159
Woolen clothing and fuel.....	159
Militia duty, persons exempt from.....	159
Mississippi River Steamboats, crew's accommodations.....	67
Money in port.....	84
(See also "Discharge and Payment of Wages.")	
Motor boats, etc., provisions applicable to.....	12
Not required to carry licensed officers.....	14
"Murder," definition of.....	130
Mutiny. (See "Crimes.")	
Mutual Release	85-89
Court may set aside.....	85

Naturalization of Seamen. (See "Citizenship.")

Naval officers may volunteer for service on mail vessels.....	31
Complaint of food may be made to.....	69
Naval officer may act as consul.....	92
Navy, licensed officers serving in.....	9
Navigation Laws, vessels subject to.....	11
Neglect of duty or drunkenness, penalty for.....	118
Non-citizen officer, penalty for employing.....	10
Exception	7

OFFENSES AND PUNISHMENTS—

Powers of consuls over disputes between seamen.....	108
Arrest of seaman on application of consul.....	108
Commitment and discharge.....	109
Various offenses by seamen.....	110
"Domestic trade" defined.....	111
Entry of offense in log-book.....	114
Deserters may be apprehended on justices' warrant.....	115
Arrest of seaman without warrant.....	115
Reclamation and discharge of deserters.....	116
Penalty for drunkenness or neglect of duty.....	118
Disposal of forfeitures.....	118
Carrying sheath knives prohibited.....	119
Penalties and forfeitures, how recorded.....	119
Arrest of deserting seamen from foreign vessels.....	120
(See also "Shipping Articles," "Illtreatment of Seamen" and "Crimes.")	
Officers not fellow-servants	162
Definition of.....	8
(See also "Licensed Officers," etc.)	
"Owner," definition of.....	52
Liable in damages for illtreatment of seaman.....	150
Liability of. (See "Liability of Owner.")	

Subject.	Page
P acific islanders, sale of arms, liquor, etc., to.....	141
Panama Canal Act, repeal of provision.....	31
Passenger, steamers, watchmen on.....	27-32
Complement of officers and crew.....	27
Passengers' quarters, visiting prohibited.....	142
Philippine Islands in foreign trade.....	57
Physical examination of seamen.....	33
Pilots, vessels shall be under control of.....	11
(See also "Licensed Officers.")	
Postal Subsidy Act. (See Table II. Act, March 3, 1891.)	
Provisions. (See "Scale of Provisions.")	
Q ualifications of seamen.....	33
R adio-communication, apparatus and operators required.....	166
Removal of master.....	157
Revolt or mutiny on shipboard.....	133
Rules of the road, penalty for violating.....	11
S ail vessels over 700 tons, masters of shall be licensed.....	15-17
Mates of shall be licensed.....	15-17
SALVAGE—	
Seamen shall not forfeit lien on ship.....	150
Right to salvage not affected by joint ownership of vessels.....	152
Law not applicable to crews of public vessels.....	152
SCALE OF PROVISIONS—	
Provisions	68
Complaint may be made to naval officer.....	69
Compensation for shortage.....	69
Forfeiture for false complaint.....	70
Penalty for unreasonable complaint.....	70
Permission to enter complaint.....	70
Allowance for reduction of provisions.....	70
Weights and measures.....	72
Scale of provisions to be allowed.....	72
Articles to be supplied, and substitutes therefor.....	73
Amount of water and butter increased.....	74
Scale to be posted in galley and forecandle.....	74
(See also "Shipping Articles" and "Survey of Food.")	
"Seaman," definition of.....	52
Seamen's Act. (See Table II. Act, March 4, 1915.)	
Secreting seamen, penalty for.....	147
Shanghaiing prohibited	163
Sheath-knives, carrying prohibited.....	119
SHIPPING ARTICLES—	
Particulars of	42
Rules for.....	44
Exception as to.....	45
Penalty for shipping without agreement.....	45
Shipment in foreign port for one or more round trips.....	46
Shipment in port of the United States for foreign voyage.....	46
Posting copy of agreement (Forecandle Card).....	47
Articles in coasting trade.....	47
Penalty for omitting to begin voyage.....	48

Subject.	Page
Unlawful shipments void.....	49
Bond for return of seamen.....	51
Form of articles of agreement.....	53
Schedule Table A Form of articles.....	53
" " B Certificate of discharge.....	54
" " C Fees (seamen).....	55
" " D Fees (apprentices).....	55
" " E Reduction from wages.....	55
Shipping fees, penalty for extorting.....	59
Ship Registry Act. (See Table II. Act, August 18, 1914.)	
Slop-chest. (See "Medicines," etc.)	

SHIPPING COMMISSIONER—

Appointment of.....	35
Collector of customs may act as.....	37
Penalty for unlawfully acting as.....	37
Duties of.....	39
Shall act as arbiter.....	39
Penalty for taking unlawful fees.....	40
Fees abolished.....	41
May ship and discharge crews in coastwise trade.....	44
Duty to examine allotment notes.....	64
May hear complaint of food.....	69
Shall assist in making apprenticeships.....	144
Shall deliver wages and effects of deceased seamen.....	166
Shall receive and account for wages and effects of deserting seamen	118
Discharge in presence of.....	88
When master may perform duties of.....	89
Shipping Commissioner's Act. (See Table II. Act, June 7, 1872.)	
Soliciting seamen as lodgers, penalty for.....	147
State regulation of pilots.....	19
Stowaways, vessel not liable for.....	45
Suits by seamen.....	91
Suits to recover damages for injuries.....	162
Sundays in port.....	166

SURVEY OF VESSEL—

Complaint that vessel is unseaworthy.....	74
Proceedings upon examination of vessel.....	75
Penalty for refusal to proceed when vessel found seaworthy.....	76
Penalty for refusal to proceed to sea after survey.....	77
Appointment of inspectors by consul.....	77
One of the food surveyors shall be physician.....	76
Report by inspectors.....	78
Discharge of seamen on account of unseaworthiness.....	79
Payment of charges for inspection.....	80
Refusal to pay wages and charges.....	80

T onnage, measurement of.....	64
Tow-boats, accidents to.....	144
Treaties, abrogation of.....	163
Tug-boats, freight-boats, etc.....	15

U nclaimed wages, etc., of deceased seamen.....	107
Undermanning, penalty for.....	27
Complaint of.....	75-78
Unseaworthiness. (See "Survey of Vessel.")	

Subject.	Page
Vacancy among officers may be filled by non-citizen.....	7
"Vessel," definition of.....	52, 124
Visiting passengers' quarters, penalties for.....	142
WAGES, EXTRA—	
For delay in payment at end of voyage.....	82
In case of improper discharge.....	82
On discharge in foreign port.....	95
Penalty for failure to collect extra wages.....	96
In case of sale.....	98
When extra wages may be remitted.....	99
Disposal of extra wages.....	100
(See also "Discharge and Payment of Wages," and "Discharge in Foreign Port.")	
Wages payable to seaman taken to sea without agreement.....	47-49
Reduction of for incompetency.....	53
Washing place. (See "Forecastle Space.")	
Warm room. (See "Medicines," etc.)	
Watchmen on passenger steamers.....	27
Watch-and-watch at sea; holidays and workday in port.....	166
Weights and measures.....	72
White Act. (See Table II. Act, Dec. 21, 1898.)	
Wireless. (See "Radio-Communication.")	
Substitute for wireless operator.....	167
Permit to	168
Witness fees	25
Witnesses, examination of.....	90
Seamen sent home as.....	169
Woolen clothing and fuel. (See "Medicines," etc.)	
Workday in port.....	166
Wreck, termination of wages.....	81

APPENDIX

Citizenship of Seamen.....	203
First General Law.....	204
Shipping Articles	204
Payment of Wages.....	205
Survey of Vessels.....	206
Offenses and Punishments.....	208
Medicines, Lime-Juice, Slop-Chest.....	209
Scale of Provisions.....	210
Licensed Officers	211
Shipping Commissioner's Act.....	216
Dingley Act	218
Maguire Act	219
White Act	221
Hardy Act	222
Seamen's Act	222

ADDENDA

(AUGUST, 1920)

THE SEAMAN'S CONTRACT 1790-1918

NOTE:—The following, in addition to several sections of the existing law previously omitted, include the changes made in the Navigation Laws applicable to seamen since the date of original publication.

Compiled by
WALTER MACARTHUR

*ACT, JUNE 5, 1920 (SEC. 32).

ADVANCE AND ALLOTMENT.

Sec. 32. That paragraph (a) of section 10 of the Act entitled, "An Act to remove certain burdens on the American merchant marine and encourage the American foreign carrying trade, and for other purposes," approved June 26, 1884, as amended, is hereby amended to read as follows:

Sec. 10. (a) That it shall be, and is hereby, made unlawful in any case to pay any seaman wages in advance of the time when he has actually earned the same, or to pay such advance wages, or to make any order, or note, or other evidence of indebtedness therefor to any other person, or to pay any person, for the shipment of seamen when payment is deducted or to be deducted from a seaman's wages. Any person violating any of the foregoing provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than \$25 nor more than \$100, and may also be imprisoned for a period of not exceeding six months, at the discretion of the court. The payment of such advance wages or allotment, whether made within or without the United States or territory subject to the jurisdiction thereof, shall in no case except as herein provided absolve the vessel or the master or the owner thereof from the full payment of wages after the same shall have been actually earned, and shall be no defense to a libel suit or action for the recovery of such wages. If any person shall demand or receive, either directly or indirectly, from any seaman or other person seeking employment, as seaman, or from any person on his behalf, any remuneration whatever for providing him with employment, he shall for every such offense be deemed guilty of a misdemeanor and shall be imprisoned not more than six months or fined not more than \$500.

Page 80. Continuation of R. S. 4561.

If any person knowingly sends or attempts to send or is party to the sending or attempting to send an American ship to sea, in the foreign or coastwise trade, in such an unseaworthy state that the life of any person is likely to be thereby endangered, he shall, in respect

of each offense, be guilty of a misdemeanor, and shall be punished by a fine not to exceed one thousand dollars or by imprisonment not to exceed five years, or both, at the discretion of the court, unless he proves that either he used all reasonable means to insure her being sent to sea in a seaworthy state, or that her going to sea in an unseaworthy state was, under the circumstances, reasonable and justifiable, and for the purpose of giving that proof he may give evidence in the same manner as any other witness.

Page 85. Amendment to R. S. 4530.

*ACT, JUNE 5, 1920 (SEC. 31).

Sec. 31. That section 4530 of the Revised Statutes of the United States is amended to read as follows:

Sec. 4530. Every seaman on a vessel of the United States shall be entitled to receive on demand from the master of the vessel to which he belongs one-half part of the balance of his wages earned and remaining unpaid at the time when such demand is made at every port where such vessel, after the voyage has been commenced, shall load or deliver cargo before the voyage is ended, and all stipulations in the contract to the contrary shall be void: *Provided*, Such a demand shall not be made before the expiration of, nor oftener than once in, five days nor more than once in the same harbor on the same entry. Any failure on the part of the master to comply with this demand shall release the seaman from his contract and he shall be entitled to full payment of wages earned. And when the voyage is ended every such seaman shall be entitled to the remainder of the wages which shall be then due him, as provided in section 4529 of the Revised Statutes: *Provided further*, That notwithstanding any release signed by any seaman under section 4552 of the Revised Statutes any court having jurisdiction may upon good cause shown set aside such release and take such action as justice shall require: *And provided further*, That this section shall apply to seamen on foreign vessels while in harbors of the United States, and the courts of the United States shall be open to such seamen for its enforcement.

Page 137. Insert between second and third paragraphs.

***MARCH 4, 1909 (SEC. 297).**

STEALING FROM WRECKED VESSEL.

Sec. 297 Whoever plunders, steals, or destroys any money, goods, merchandise, or other effects, from or belonging to any vessel in distress, or wrecked, lost, stranded, or cast away, upon the sea, or upon any reef, shoal, bank, or rocks of the sea, or in any other place within the admiralty and maritime jurisdiction of the United States, shall be fined not more than five thousand dollars and imprisoned not more than ten years; and whoever wilfully obstructs the escape of any person endeavoring to save his life from such vessel, or the wreck thereof; or whoever holds out or shows any false light, or extinguishes any true light, with intent to bring any vessel sailing upon the sea into danger, or distress, or shipwreck, shall be imprisoned not less than ten years and may be imprisoned for life.

Page 162. Amendment to Act, March 4, 1915 (Sec. 20).

***ACT, JUNE 5, 1920 (SEC. 33).**

DAMAGES FOR INJURIES.

Sec. 20. That any seaman who shall suffer personal injury in the course of his employment may, at his election, maintain an action for damages at law, with the right of trial by jury, and in such action all statutes of the United States modifying or extending the common-law right or remedy in cases of personal injury to railway employees shall apply; and in case of the death of any seaman as a result of any such personal injury the personal representative of such seaman may maintain an action for damages at law with the right of trial by jury, and in such action all statutes of the United States conferring or regulating the right of action for death in the case of railway employees shall be applicable. Jurisdiction in such actions shall be under the court of the district in which the defendant employer resides or in which his principal office is located.

